

Lee Strauss Cicero Transcript, Spring 1959

Key:

- (Reel This indicates a new reel or class.
- And Cicero takes ... Plato (p 7 of 1 April) This indicates that Mr. Strauss began one sentence, and then changed gears in the middle of the sentence.
- ... inaudible ... This indicates that a phrase was inaudible. In no case was this any longer than a part of one sentence.
- (inaudible) This indicates that a single word, or at most two words, proved to be inaudible.
- said that ... This indicates that the speaker was interrupted by a question or another comment.
- ...Plato This, at the beginning of each reel, indicates that there may have been a few words before the recording began.

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And one reason why I give the seminar now is as a kind of companion course to my natural right course. Some aspects of this problem will not be discussed in my lecture course and will come up here in the course of the discussion of Cicero.

Now I start from the most basic question: what shall we read. I have a statement at the bookstore, but I can still repeat it. We want to read four writings of Cicero--The Republic, The Laws, On the Ends of Good and Bad Things (De Finibus) and The Offices. These are many books, and one could rightly say that that is too much for one quarter. But with all due respect to Cicero, one could say that Cicero is easier to understand than Plato and Aristotle, and therefore it is not an extraordinary risk that we are taking. On the other hand, as will appear later, it is a pity that one cannot read more of Cicero, namely, his two writings, On the Nature of the Gods and On Divination. They are in a way indispensable for a proper judgment, for his political doctrine, too. But that would simply be too much for one quarter.

Now I begin with a very simple question addressed to you so that we see whether we have any common ground. Why is Cicero famous, as far as political theory is concerned? Let us first try to answer this question as an introduction to the course. Now you all have read histories of political theory, or you all have taken courses in it, or have acquired such knowledge in other legitimate ways. So, what is Cicero famous for as far as political theory is concerned. Cicero as statesman is of no concern to us in this course. Don't be ashamed to say what you have learned, in elementary contexts, perhaps. Well, what is he famous for?

(He is one of the first of the natural law theorists.)
Yes, that is a very good answer, as far as it goes. I mean this. Let me put it this way. Cicero is the oldest writer, of whom we have complete works, who has set forth the doctrine of natural law. Because the doctrine is older than Cicero. And even this needs a footnote. The writings in which Cicero does set forth this doctrine, the Republic and Laws, are not complete. They have been a bit destroyed by the malignancy of time. There has been some damage. So that is one point. But let us use a still looser term. Cicero is the oldest advocate of the higher law idea. Yes, that is one point, and then there is another consideration, which some of you may know. Another crucial political doctrine, of which Cicero is a classic? Well, that is the doctrine of the mixed regime. The view that the best political order is a mixture of monarchy, aristocracy, and democracy is presented in Cicero's Republic. That this is an issue one would have to consider would perhaps appear from the following consideration. What Cicero says about the mixed regime is not original, just as what he says about the natural law is not original. It goes back in this form to a man called Polybius, a Greek historian about a century prior to Cicero. In the sixth book of Polybius's History you find a presentation of the mixed regime. That would be the classical doctrine. Now there is a strict line from Polybius to Montesquieu, Spirit of the Laws, where the mixed regime doctrine is taken up, in a considerably modified manner. And there is a very straight, and also a very short, line from Montesquieu to the Federalist Papers. So we are immediately where we want to be. But one point must not be forgotten, incidentally. That Cicero's

the time of its discovery in the Republic, could have been known throughout the ages because Cicero's *Republic* was lost. It reappeared only in 1420 or so. The exact date will be found in the introduction to the translation. It was discovered by a cardinal in the Vatican Library. It is fragmentary. I don't believe that we have half of the book, probably less, less than half of the book.

And then there is a third point of a general nature. Cicero says that the best regime is the mixed regime. But where do we find the best regime, this mixed regime?

(Rome.)

Rome. The same was said by Polybius. Now this leads to the following very important theoretical question, because, after all, we are not ancient historians or concerned with the Roman constitution. And that is this. When you study the Platonic or Aristotelian political doctrine, you get a description of the best regime without any proper names, if I may say so. The best regime is described, and then we have statements to the effect that this regime is something like it, that regime resembles it in this way, and so on. But the best regime is not necessarily in existence anywhere on earth. It may be. But it is not necessary. In Polybius and Cicero the best regime is found in an actual regime, the Roman regime. And this raises a very important theoretical question—the question of the relation between ideal and reality. How is it possible that the ideal should become actual. These, I believe, are the three most elementary considerations which would occur to one regarding Cicero on the basis of the common opinion.

Now one more introductory point. Cicero is well-known as the oldest classic of the natural law teaching, say of the higher law teaching. We use a more innocuous term. This natural law doctrine, as presented by Cicero, is, according to general opinion, which as far as I know is correct, traced to a philosophical school called the Stoics, of whom you will hear quite a bit in this quarter. Now the Stoic school was founded after Aristotle, I believe even after the death of Aristotle, but that is not so important. It was a school which presupposed the Platonic-Aristotelian teaching, but regarded it as insufficient, for a variety of reasons, and modified it. But the basic premise, at least as far as moral and political questions are concerned, are the same, the Socratic premises. Now Cicero presents the Stoic doctrine, we can say, and yet he is not a Stoic but even an opponent of the Stoics. You see, what happened in Greek philosophy after Aristotle was this. Plato had founded a school, as you know—the Academy. Aristotle had founded a school—the Lyceum. And these schools transmitted the teachings of their respective masters, with modifications. But still, fundamentally the members of the Platonic school were Platonists, and the members of Aristotle's school were Aristotelians. But then two new schools were founded, because of the dissatisfaction with Plato and Aristotle. One is the Stoic school, which is characteristically not called after an individual, but is called after the place where they met, stoa, a kind of porch. The other school is called the Epicurean school, after the founder, Epicurus. These two schools had a very great popular success. They were popular among the highly educated classes of the Hellenized Mediterranean world. And somehow they are char-

...and the Hellenistic period. And then another thing took place, a kind of revolution. And this revolution took place in the Platonic Academy. Some generations after Plato, say in about the middle of the second century, the Platonic Academy underwent a radical change, a change in the direction of scepticism. The Platonic Academy became sceptical. You know what scepticism means in the superficial and scholastic meaning of the term. A sceptic is a man who denies to possess the truth. He can have probable opinions, but he does not possess knowledge. That this happened in the Platonic school is not a complete accident, because you must never forget that Socrates appears also as a man who does not possess knowledge but is only seeking it. You know that. Socrates was not a mere actor. There are other forms of scepticism, but these are of no interest to us now.

Now these Academic Sceptics, and Academic does not mean here as we might say, academic social scientists, but academic means here the scepticism of the Platonic Academy. This was the school to which Cicero adhered. And the most characteristic feature of this school, one could say, is its rejection of Stoic dogmatism. A part of that Stoic dogmatism is the Stoic natural law teaching. The Stoic natural law teaching is based on the Stoic teaching regarding the nature of the gods and the providence exercised by the gods. The Academic Sceptics rejected these teachings, and therefore they rejected, by implication, the natural law teaching based upon the Stoic theology. Now Cicero is an Academic Sceptic, and he wrote two books in which he presented the sceptical criticism of Stoic theology, On the Nature of the Gods and On Divination. These are two writings which we cannot read here because the quarter is much too short. But the extraordinary thing is that this Academic Sceptic adopts, in a way, the natural law teaching of the Stoics. That is a problem which we must try to clarify to some extent.

The third and last introductory remark I wish to make concerns the character of Cicero's philosophic writings. Well, Cicero's work is of course infinitely large, compared with that of Plato, for example. You have the orations, the rhetorical writings, and you have the philosophical writings. And an enormous number of letters in addition. We must limit ourselves absolutely to the philosophic writings, and only to some of them. Now Cicero's philosophic works are dialogues. This is not completely surprising because we have read dialogues prior to Cicero. For example, the Platonic dialogues. But the Ciceronian dialogues differ from the Platonic dialogues in one very simple respect. As you know, Plato never speaks as himself in any dialogue. He does mention Plato, but then someone else says that Plato was ill, say, when Socrates died. But Plato never says, I have heard Socrates say this. Do you know who did this, who brought in his own ego. (Xenophon.)

Xenophon. Yes. Xenophon uses this technique. He says that I heard Socrates speak on this matter; which is, in a way, very good. Because we have an eyewitness, and so we know we have the real stuff. Whereas in Plato, Plato never gives us any guarantee whether the dialogues he presents are not purely the inventions of Plato, and I am afraid they are pure inventions. But Xenophon at least claims that this is the real stuff. Now in the Ciceronian dialogues there

...in which Cicero himself is the main speaker. ...the dialogues, which are lost. But the Aristotelian dialogues seem to be the models of Cicero's dialogues. That is what at least I believe I remember. Cicero made a remark about his dialogues in one of his writings, well, more than one, but one is particularly interesting. That occurs in a work called the Tusculan Disputations, the disputations in Tusculan. Tusculan was a landed estate of Cicero. And here there occurs the famous sentence: "Socrates was the first who called philosophy down from heaven, and placed it in cities, and even introduced it into the houses, and compelled it to investigate, regarding life, manners and good and bad things. Socrates' manifold way of disputing, and the variety of subject matters, and the magnitude of mind consecrated this way of disputing to writing and thus produced a variety of dissenting philosophic schools. Out of those schools, we (Cicero) have followed that school manner particularly which we believe Socrates had used (namely, the dialogical) in order to conceal our opinions, in order to liberate others from error, and in order to seek in every disputation what is most similar to the truth (that means, what is most probable)" To repeat, the Ciceronian dialogue serves these three purposes: to conceal his own opinions--not to put himself forward as an authority; to liberate us from error; and, in every disputation to seek what is most probable. There are other passages in Cicero to the same effect, but that is the clearest one. So this much in the way of an introduction.

Now I thought that we should turn to the subject immediately, so that we can cover these many writings which we have to cover. And I prepared a discussion of the first book of the Republic. The order in which I think we should them is Republic-Laws, that is to say, the political writings proper first, and then turn to the discussion of principles in the book, On the Ends of Good and Bad Things, and finally, the Officiis, where Cicero discusses the complexities, which arise by virtue of the apparent conflict between the moral and the expedient. Where such nice questions are discussed whether you are entitled to advertise a bad piece of merchandise as very good. You know, the great moral perplexities, where, on the one hand, you are dishonest, whereas, on the other hand, if you do not do it, other more dishonest men will buy it from you cheaply and advertise it much more than you would do it. And other nice questions which deserve the attention of every thinking man.

So now I turn to the first book of the Republic. As you would see if you would look at the first page the beginning is missing. The beginning is missing, but we have sufficient left of Cicero's prologue to understand what the general subject matter of the prologue is. Now let me see, where does the dialogue begin. The dialogue begins on page 29, in your edition. So there are about 16 pages of prologue. The bulk of the prologue has been preserved. In the prologue Cicero discusses a problem with which you may be familiar from Plato and Aristotle--the question of the two ways of life, the active life, the practical or political life, and the contemplative life, the theoretical life. And Cicero defends the active life, the political life, against the philosophers, or against certain philosophers. That is not quite clear. Now do you know what the issue is. Otherwise you wouldn't understand what we are dealing with. Do you know what the issue is? What is the issue?

... is the noble life, i.e. the life closest to the perfection of man, a doing activity, in the sense of caring for the public good, or else abstracting yourself from the common good to spend your time contemplating.)

Well, the question concerns, of course, the active life on its highest level, because only there does the problem become clear. Because in a way we all have to be active, the most contemplative of us has to be active. But the active life means the life dedicated to action. And that is, in the highest form, the life of the statesman, the political life in the fullest sense. Now in former societies it was perfectly intelligible if someone would say, the highest activity which a man can pursue is to be a statesman in his society. I believe even today that is intelligible: I mean if you consider the simple recognition of the dignity of the President of the United States, whoever that president may be. This is still a reflection of it. It is understandable. And all our respect for Gary Cooper, and other such great men, does not conceal from us the fact that a man who merely acts the part of a statesman is not the real thing. The real thing is the statesman himself. And especially if he is a great statesman, and then there is no question about it. Who is so famous in the Western world today as Mr. Churchill. You know, even his paintings become famous. So we understand that. But in ancient times there were people who said, while the active life on the highest level is something in the highest degree noble and admirable, there is a life which is still more higher, still higher, and that they called the life of contemplation, or the theoretical life, or the philosophic life. Again I believe that even those who know nothing of the tradition can still understand this on the basis of present day observation. For example, there are quite a few people today who, I believe, would still say, however great a statesman may be, a true poet is in a way more important to us, as living human beings, than a statesman can be. At least you have heard this. Only in classical times they did not believe that the poets as poets could possibly be better, and they said the philosophers. So that is a very trite summary of the issue with which Cicero deals.

And Cicero takes ... Plato and Aristotle had come out clearly for the supremacy of the theoretical life. Cicero takes the side of the active life. We cannot blame him for that. He was a great Roman statesman who had saved the republic against Catiline and in other situations. And there are perhaps more serious reasons for that. Now why, or rather how does he argue? At the end of the first paragraph (page 15).

I will content myself with asserting that Nature has implanted in the human race so great a need of virtue and so great a desire to defend the common safety that the strength thereof has conquered all the allurements of pleasure and ease.

So the starting point of Cicero we can say is this--the natural character of the need for virtue, and of the love for the defence of the common safety. Because they are natural, they overcome all blandishments of pleasure and leisure. If nature did not drive man, and in particularly certain men, in the direction of virtue and the common good, this would not be possible. Now, the connection between these two points--the need for virtue and the love for the defence of the common safety--is this, as Cicero makes clear in the sequel. The highest use of virtue is the government--of course he means the good

...of the commonwealth. Is this intelligible? I mean, after all, ordinary people also can be virtuous, I assume. But why is that the highest? Do we understand that? I want to avoid the impression that this is an old moralist, who talks about things which have been proved to be wholly meaningless by the recent advances of psychology. Let us see whether we do not understand, when we look at such matters from the non-academic point of view, from the practical point of view, whether we do not understand and recognize what he means. Why should this be the highest virtue, the virtue of the most perfect statesman, compared with the very great virtue of the perfectly virtuous housewife, or schoolmaster, or whatever you have?

(Well, possibly because the political is the source and cause of all of these other things.)

Well, one could also say that what you imply is this. Somehow we think that virtue has something to do with beneficence. Now the greatest, the broadest possibility of being a benefactor of one's fellow men is that of the statesman. Think of any philanthropic benefactor, who establishes a hospital, or many hospitals, compares with what a statesman could do to help his fellow men. So that would make some sense.

Now Cicero goes on to argue as follows. The statesman ... Of course, it is one thing to say that the government of a commonwealth requires a higher degree of virtue, than merely private life, and it is another thing to say that it is the highest virtue, meaning a higher virtue than that possessed by philosophers. Because that is the issue. If you do not like the word philosophers for some reason, of which we hope you will dispose as we go on, then say--intellectuals; no that won't do, but say poets or creative artists, because that is the same issue fundamentally. It is the same issue. Only to our popular understanding today, the creative artist has taken the place of the philosopher. For reasons which would take us too long to explain. But, at any rate, I can assume this--that even the completely uninitiated in this kind of thing knows of the fact that the two things competing for man's highest admiration are, even today, the statesman, and that includes generals, political men--and sometimes they can even coincide, as is the case at the present, and on the other hand, the creative artists. You see, I make an allowance even for those who prefer Clark Gable to any political man, because this man means, of course, by Clark Gable the creative artist. But more sophisticated people would go higher up and say Eliot or Hemingway, or certain other individuals generally regarded as creative artists. They are those who compete for the highest respect even today. Or is my thesis wrong? Could one say, perhaps, that some boxer might have a higher prestige than either a distinguished statesman or general, on the one hand, and a distinguished creative artist on the other. Could one make this objection?

(I was going to say that the objection that would be made today is that the successful businessman is the chief figure looked up to.)

That I think I could more easily dispose of. One could say, not entirely without reason, that the businessman belongs to the side of the statesman or the general. I could give some empirical evidence of that, e.g. Charles Wilson. But what about boxers? Could one make this a valid objection to what I said?

(... Inaudible ...)

That some people would really say. That is true. But could one not

also say something else. I will tell you why I do not like this answer. Because it would blur the distinction. When you speak of the boxer as a creative artist, then you come also, for the same reason, to the parachutist, and then we come to god knows what. So for this reason I prefer another.

(I don't understand on what basis you associate the man in the business world with the statesman. To a man contemplating the way of life he should follow, they would appear two more or less distinct ways of life. A great many people would be far more attracted to the business world.)

But still, it is practical. The virtue would consist of the ... I mean the inventiveness and the other qualities of the really good businessman would mean ... inaudible ... of his fellow men. But what about the boxer? To meet this issue. Why can one safely disregard the boxer in this connection? Or the wrestler? Why can one do that? Why is, even today, it clear that there are these two peaks in the ordinary social orientation--the practical man of the highest order, on the one hand, and the theoretical man, on the other.

(A boxer is never famous unless he has a poet who writes odes about him.)

That would be true of statesmen in the long run too.

(But a statesman can be known without poets.)

Their memory after their death depends on the poets, or something like poets.

(...Inaudible...)

Yes, on a very subordinate level. In other words, his cash success is not a sufficient criterion. That one can prove easily, because if one kills a great number of men--an escaped convict--he also can be famous for years. He can fill the headlines. We have seen that.

(Is there the assumption that the statesman and the philosopher are both using their mental capacities to the highest degree? They are perfecting their mental capacity, whereas the boxer could not be accused of that.)

That is a very good point. And that is perhaps the ultimate reason why we do that. And in spite of all other things that have happened since, the recollection of that is still alive. That is true. That would be the old treatment, that which you gave.

(I wondered why you chose T. S. Eliot as the example, rather than, say, Einstein.)

You are perfectly right. You could have taken a theoretical man as well. But I tried to make the utmost concession to the idea that our points of view are completely different from those of olden times. Since Einstein and Freud are certainly theoretical men, no difficulty arises. But when you replace the strictly theoretical man, the philosopher or scientist, by the creative artist, you can say that that is an entirely new point of view. And for this reason I selected this example.

So we see, then, that the issue is still intelligible. Now how does Cicero argue. In the first place he says statesmen complete by deeds what the philosophers speak of in their corners. They talk and debate and discuss. But of course they don't reach the issue. Even if they find out something is good, that doesn't make it a public fact. It becomes a public fact only by legislation. The argument is this--that is higher which completes the thing, rather than only initiates. And it is led to its consummation by the statesman. There-

the statesman is higher. Now this argument could, however, mean that statesmanship presupposes philosophy. That the philosophers lay the foundations, they find out the fundamental truths regarding good and bad, and the statesman complete it. Cicero says here no. Let us read this second paragraph on page 15.

But it is not enough to possess virtue, as if it were an art of some sort, unless you make use of it. Though it is true that an art, even if you never use it, can still remain in your possession by the very fact of your knowledge of it, yet the existence of virtue depends entirely upon its use.

By the way, is this thought clear to you--this distinction between virtue and art? That an art not exercised is still an art; virtue not exercised is not virtue. Is this clear? Yes, sure. But is it understood?

(You can't intentionally not act virtuously and say you are still a virtuous man.)

In other words, if he never acts bravely, he cannot be a brave man. But, on the other hand, a man may never practice medicine and have a complete possession of the art of medicine. Continue.

and its noblest use is the government ... dinning in our ears.

In Latin it is not "the realization in fact," but Perfectio. I believe we could translate this more strongly by saying consummation. Continue.

For there is no principle ... codes of laws for States. You see what Cicero says. It is not so that the statesman merely completes that to which the philosophers have laid the foundation, but the philosophers say nothing that is sound that has not been established by political men. So that the statesmen are superior, as he says in the sequel, to the philosophers in wisdom itself. Disregarding for the time being all critical considerations, we must first understand the thesis of Cicero. Given his premises, the conclusion really follows. If what the philosophers do depends essentially on the founding act of statesmen, and then the philosophers formulate that somehow, express it succinctly and coherently, and then this is again used, or finds its consummation in the actions of statesmen again, one can rightly say that philosophy is in every respect inferior to statesmanship. If the premises are correct, the conclusion follows. I mean, by the way, the latter thesis is not surprising to us at all. If you take a very popular view today, according to which philosophy is the articulation of the values of a given society. I think one can say that, according to a very widespread view, political theory, especially, is that--the articulation of the values of a given society. Of the American society, or whatever it may be. Now in this case the philosopher merely articulates what has been laid down by other people, by society. But society is a vague word. Who laid it down. Not an anonymous society. We can trace it back to the founding fathers. Consider the Declaration of Independence or the Constitution. And in this way the philosophers would build upon a foundation erected by the statesmen and would be in the service of political actions in which their own work finds its completion. That is the argument with which Cicero starts. He goes on to develop the point that political activity is not only most noble, which in a way he has proven already, but also pleasant. Does this make sense? Sometimes examples are more convincing than arguments. At the end of The Gathering Storm, when Churchill tells

the story how he was called to become Prime Minister. He has a sentence which unfortunately I do not know by heart. You know, this terrible situation in 1940, and the incredible responsibility and burdens. It was noble by this very fact. Was it only a burden to Churchill? Do you remember what he says? He says that he slept excellently after he got the call, because facts are more pleasant than dreams. The fact that he had the power, and could do something. So one can understand that—that political activity is pleasant. And one could suppose that even some lesser political lights would admit that political life is not at all unpleasant to them.

After having established that the political life is superior to the theoretical life, he examines the reasons which are advanced by the opponents of the political life. Now these fellows speak of the labors of the political life compared with those of a reasonable theoretical man, sitting in his study, and so on. Not concerned with other people's business. And he enjoys himself by reading the most wonderful things, and so on. That seems to be much more attractive than the hustle and bustle of the practical life. But it is not only the labor; there are also the dangers. The dangers indicated by the fact that even in our civilized, modern America, the President is shielded by secret service men whereas people like you and me do not need secret service men—unless they go down to 63rd street. Another point which they also mention is the ingratitude of the city, which is also not merely ancient history. I refer again to Churchill's story, when he was defeated in 1945. He accepted it in good faith. A democracy especially is ungrateful and he could not have expected differently. Cicero replies as follows. Philosophers themselves risk their lives. For example, traveling. Philosopher is used, in ancient times, in the wide sense—where it means any theoretical pursuit. Now if you want to learn, for certain purposes you have to travel. Not only in order to speak to other theoretical men, who don't happen to live in the place where you live, but also, for example, to see other nations, to see other rivers, other beasts, other plants, and so on. And traveling overseas, and he is thinking of that especially, is very dangerous. As again is illustrated by the fate of the Queen Mary. It was touch and go with even the Queen of the oceans. I think you read that. A terrific gale. Furthermore, the labors are compensated, compensated by honor and glory, the labors of the statesman. And also the joy derived from the recognition of the good outweighs the pain derived from the triumph of the bad. But the most important point is that one is obliged to compensate one's country for what it has done for one's self. It has permitted a man to grow, to develop, and he owes it a debt. There is one thing, the necessity to mix with mean people if you go into politics. That, I believe, is as true today as it was in the past. That is at least your opinion? But Cicero replies, the only alternative to mixing with such people is to be ruled by them. And therefore it is better to mix with them than to be ruled by them. This argument has a pre-history which some of you may remember.

(The Republic.)

Which Republic, since we are reading Cicero's?

(Plato's)

Yes, Plato's Republic. Good. The opponents of the practical life admit that in case of necessity the wise man will enter politics. Who are they? Do you know any of these wise men? You don't have to

be an antiquarian. They are quite well known men. That in case of necessity a wise man would enter politics. Again, Plato in the Republic. He would not enter politics except on the basis of some divine chance, as Plato calls it. But that means necessity. But then Cicero has a powerful argument against that. How can he do that properly if he has not trained himself in quiet times, in advance. Is it not absurd to say that the wise man should go into politics only in very critical situations, where you must already be an old hand, and have a sure hand, which you can only acquire by experience? And is it not therefore necessary to go into politics as soon as you are properly prepared for it? Cicero continues as follows. This is in paragraph 9-11. The opponents boast of their complete ignorance of political matters, in flagrant contradiction to their admission that in critical situations the wise man would go into politics. Now who are they--- these men who boast of their complete ignorance in political matters in flagrant contradiction to their admission that they would go into politics if there is a really critical situation? Do you remember anyone? Have you ever read a writer prior to Cicero boasting of his ignorance in politics? Well, the most obvious statement that occurs to me at any rate is a statement in Plato's dialogue the Statesman. No, I'm sorry, in the dialogue Theaetetus. There is a so-called excursus, in which the theoretical life is discussed and defended. And Socrates says here of the theoretical man, apparently with full approval, that he doesn't even know the way to the marketplace, and he doesn't know anything of law, and he doesn't even know if his neighbor is a human being or some other kind of animal. That is boasting of ignorance of political matters. And of course Cicero rightly says that that is absolutely preposterous. If this same man demands that people should help their city in grave situations, how can they make such fantastic claims. I do not go into the question now what Socrates means with this statement. I would suspect that this is ironical. But that is not a very useful statement, because one must always know what is the use of the ironical statement. Plato was, after all, not a joker, a clown. He meant something by that. But here we have the difficulty.

Then Cicero goes on to say that there are philosophers, of the highest rank, who did not participate in political life yet studied political science. The name occurs. And thus somehow fulfilled a political function. Now first, do we understand that? Why a student of political science, by this very fact fulfill a political function. Does this make sense? Do we understand that? That voting is a political function everyone would admit, but why should studying political science, political matters, trying to understand them? It is not a hard question.

(Well, in studying them you have to identify the political arena, and the identification of the political arena would be to me a political function.)

But what does this word, so frequently used now, "identify" mean? Do you mean that every student of politics must become a member of a party--- the Republican or Democratic or maybe the independent voters, or what do you mean?

(No, I didn't mean that. I didn't mean that he had to become a member of a party. I have a feeling that I am involved in learning to identify the political area.)

What does identify mean? That word I really don't understand in this connection.

(Perhaps you mean define.)

(No. When you say you don't understand my term, identification, I feel like I am out at sea. I know that the feeling that I express is valid for me.)

I know that English is not my mother tongue, but I also know that the word "identify" in this sense is of very recent usage in English. And it has something to do with certain psychological theories about identity and identification.

(Well, I think of it in terms of distinguishing the political from the economic.)

Why is this a political function? Why do you exercise a political function by understanding political things, and doing nothing more than trying to understand them. It is really an extremely simple thing. You are, if I may say so, falsely sophisticated.

(I believe it.)

I mean it is extremely simple what Cicero means. You have a citizen body in a democracy. And this citizen body is ultimately responsible for the decisions, at least by the act of election. Is it not important that the citizen body is informed rather than uninformed? The political scientist is the man who tries—that is, if he is really an empirical political scientist and not a methodologist—to become a more informed political citizen than most citizens are. And in this way he contributes to the raising of the level of the citizen body. Because he cannot help, to some extent, spreading that higher degree of information, if nothing more than that a drug store conversation comes up. He can tell people sometimes. Perhaps, that it is not so simple, that you have your facts wrong, and so on. So it is a very simple thing that he has in mind. Now if this is done, however, in the most comprehensive way, then Cicero here is not thinking of people like ourselves but of Plato and Aristotle. That is really a political function which they fulfilled. They give their fellow citizens, and even citizens of other societies, some help in finding their bearings in political matters altogether. That is a political function. But you wanted to say something.

(It seems to me that the argument he is using is that if these philosophers are going to be called on by necessity, then they had better, of necessity, be prepared. By a study of the science of politics.)

In other words, it comes down to this. What Plato and Aristotle do, that is a perfectly defensible position. Because they did not run away from their civic duties. Their very study of politics, even if they never acted politically, was a service to the city, to the political society.

(You are referring then to that activity of the political student which is, in effect, a political teacher.)

You can put it that way. An informant. Opinion leader is a word now used. A politically informed man is more likely to be an opinion leader in the desirable sense than a politically uninformed man. That I believe makes sense. Here we have reached the end of the introduction. And we see that the end of this introduction is strangely favorable to the philosophers, at least to those philosophers like Plato and Aristotle who regarded political philosophy as an essential part of philosophy. But still, on the whole, the burden of this argument in the introduction is that the practical, or political, life is much higher than the theoretical.

Then, in paragraph 13, the transition to the dialogue takes place.

That is on page 29. Cicero says that he will report of a conversation on politics which has taken place about 70 years before, and he knows of it through a certain individual called Publius Rutilius Rufus, whom he and his brother, Quintus, had met when they were studying at Smyrna. We can assume that this is a piece of fiction. It is utterly unimportant whether it is fiction or not, but I would assume that these things are fictional. The discussion which we shall read is not a discussion by Cicero. It is a discussion by statesmen, say, two generations before Cicero. And the most famous of them is one of the Scipios. The Scipio who conquered Carthage, a great statesman and captain. And Cicero chose him probably for this reason. Scipio was a very highly educated Roman, at least according to whatever the standards may have been in Rome at that time. One of his companions was Polybius. So that is the link. In other words, it was not that damn foreigner Polybius who is setting forth the doctrine. It is the great indigenous authority, Scipio, who sets forth the doctrine.

Now the discussion begins in the following way. In paragraph 14-16, there is a Latin holiday, and Scipio is at home. It is the year of the death of Scipio, which is very important for certain reasons which appear later. And then a young man appears called Tubero. And there is first a brief discussion between Scipio and Tubero (par 14-16.) Tubero comes first because he wants to find out Scipio's private opinion ... (End of reel; a few sentences were lost in changing reels.)

... We should read that, page 31, the speech of Tubero.

Well, then, Africanus

Africanus is a name for Scipio, because he had conquered Africa. since you gave me a sort of invitation, and encourage me in my hope regarding yourself, shall we not first inquire, before the others arrive

That is important, before the others arrive. It is a private conversation. Continue.

what the facts are in regard to that second sun that has been reported to the senate? For those who claim to have seen two suns are neither few nor untrustworthy, so that we must rather explain the fact than disbelieve it.

In other words, the fact is established. Therefore we legitimately ask for the reason. Continue.

How I wish our friend Panaetius

That was a famous philosopher of the generation of Polybius. He was a Stoic philosopher but a somewhat modified Stoic. We may mention him later.

were with us. For it is his habit to make careful investigation of such celestial phenomena, as well as of other matters. But, Tubero, to give you my frank opinion, I do not entirely approve of our friend's habit in all matters of this kind: in dealing with things of whose nature we can hardly get an inkling by conjecture, he speaks with such assurance that one would think that he could see them with his own eyes or actually touch them with his hands. I always consider Socrates to have shown greater wisdom in refusing to take any interest in such matters and maintaining that the problems of natural phenomena were either too difficult for the human understanding to fathom or else were of

no importance whatever to human life.

You see, the discussion of the prologue is continued in this part. On a somewhat higher plane. The criticism of theoretical philosophy, which was originally given only in the name of political life, is now traced to a philosopher, to Socrates, who allegedly said we should not be concerned with purely theoretical objects, natural phenomena, but only with the right life of man. This view is taken by the greatest authority, and it is useful for Cicero's purposes. Now Tubero replies, in the sequel, that that is not true; Socrates wasn't such a strict moralist, but rather also concerned himself with these other things. And Scipio says, well, no, I know that better. That was not Socrates, that was Plato, who transformed the moralist Socrates into a metaphysician. Which shows, of course, that Scipio was at least reasonably informed about philosophic matters—that he could make such a statement.

Then two other men appear, Philus and Rutilius. Rutilius is the man who is the link between Cicero and the whole conversation. Philus will be very important later on, because Philus is the Academic Sceptic who criticizes the doctrine of natural law. He will be very important later. Now here there is a very strange thing. Scipio tells these newcomers what the subject was—the natural, physical phenomena. And let us see what happens, paragraph 17, page 35.

After this speech, Scipio noticed Lucius Furius Philus coming in unannounced, and after greeting him with the greatest cordiality, he took his hand and led him to a place on his own couch. Publius Rutilius, who later reported the conversation to us, came in at the same time, received Scipio's greeting, and was given a place beside Tubero.

Philus. What are you discussing? I hope our arrival has not interrupted your conversation.

Scipio. Certainly not; for the point which Tubero began to inquire into a short time ago belongs to the very class of subjects which you are always interested in investigating. As for our friend Rutilius, he used to discuss such topics with me occasionally, even under the very walls of Numantia.

Do you see something? Scipio pretended to be a strict Socratic, not to be concerned at all with the explanation of any natural phenomena. And what do we find out now? Even during military campaigns, when they had laid siege to Numantia, they discussed these things. Scipio, in other words, is not as anti-theoretical as he seems. Let me make one or two remarks here that will help you to anticipate the later argument. The book ends with a dream of Scipio. Scipio tells a dream. And this is a presentation of cosmology, the whole universe. It is not a myth in the Platonic sense. It is meant to be a presentation of the cosmos. So Scipio reveals at the end, in the form of a dream, the theoretical understanding of the world which was always there, although in the political and military activities it did not come to light, and should not come to light as such. That is gradually prepared. At first there is the statement, No, Socrates was right, only human things are of interest. The second step, oh yes, we used to discuss such subjects when we laid siege to this city, and I was prepared to listen to theoretical discussions. And later on we will find that there is much more serious reason for that.

So the question of the theoretical and practical life is not settled in Cicero's introduction. It is the subject which keeps the whole book moving. I think that Cicero's Republic is probably his greatest work from an artistic point of view, and I think we will see that in spite of the fragmentary character of the work.

Now Scipio had discussed physical questions under the walls of Numantia with Rutilius. Philus is also concerned with these matters. Also Tubero. Tubero is the man who came first and came with this question originally. Now the scene changes again. Five other men come. Laelius, Mummius, Fannius, Scaevola, and Manilius. The most important of these figures, the rest you could easily forget, and the only person who must be kept in mind is Laelius. Because Laelius is the man who presents the natural law teaching later on. Laelius is an old Roman lawyer, say, the chief justice, the most respected authority on matters of law, to whom Scipio defers. And his central importance is indicated by the fact then when they sit down Laelius sits in the center. They sit down on a meadow. But it is wintertime, and so they can't sit down anywhere they wish but they have to seek a special place. What kind of place would they seek, on a winter's day. Snow and rain are out of the question; otherwise they couldn't sit outside. What place would they seek?

(A sunny place.)

A sunny place. Surely. In summer they would seek the shade. Now this is the symbolism which Plato has used in the Laws. In the Laws the discussion is taking place on the hottest day of the year, the longest day of the year, a very hot day, and they seek the shade. Here they seek the sun. Now what is the meaning of that symbolism—the seeking of the shade and the seeking of the sun. It is not difficult to see. Because Cicero's Laws, which we shall read afterwards, are a summer discussion. This is a winter discussion. Now what can be the meaning of that difference between sun and shade? What would you expect?

(The highest truth?)

Well, alright, what is the connection?

(The light.)

We seek light. We seek knowledge. Shade, we seek obscurity. That's it. So here in this dialogue, a decision is made to seek the sun.

In the sequel, paragraph 19 or so, Laelius states the Socratic view, as we might call it, the view that natural phenomena are none of our business, that we limit ourselves to the study of human things, things which are of concern to us. But he is a very tolerant man. He does not object to discussions on physical questions, especially since it is a holiday. There is no grave civic or judicial matter before them. Why should they not speak on such an occasion also of physical matters. And Laelius is an educated man. It appears that he knows Plato's Republic very well, and so on. Laelius puts the question very simply as follows. What is the question of the two suns? It is of no concern. The question of the two Roman peoples is the problem. Referring to the approaching civil war. That was the age of the Gracchi and all this kind of things. The Roman people split. This duality of Rome is much more important for a Roman than the duality of the suns. That is the simple and respectable position which he takes. But whether it is sufficient is another matter.

Now let us turn to paragraph 23, page 43. It is sufficient to read the one paragraph.

... for I myself loved the man, and I was aware that he was also greatly esteemed and beloved by my father Paulus. For in my early youth, when my father, then consul, was in Macedonia, and I was in camp with him, I recollect that our army was on one occasion disturbed by superstitious fears because, on a cloudless night, a bright full moon was suddenly darkened. Gallus was at that time our lieutenant (it being then about a year before his election to the consulship), and on the next day he unhesitatingly made a public statement in the camp that this was no miracle, but that it had happened at that time, and would always happen at fixed times in the future, when the sun was in such a position that its light could not reach the moon.

You might also read Tubero's reply, and then we stop there.

Do you really mean to say that he could convince men who were little more than simple peasants of such a thing, or that he dared even to state it before the ignorant?

Scipio. He certainly did, and with great ...

Say, with great success. Now what is the point. Scipio tries here to show that the study of natural phenomena is not only harmless as a pastime, in which you can indulge on a holiday, but is even very important for the most important political activity, namely, war. A panic, because of an eclipse of the moon. Then a scientist tells them that there is nothing ominous about it, but rather it is as simple as certain bodies here only these bodies are so big, and that there is no secret behind this. It is not ominous. And he makes his soldiers better fighters. Is it not an eminently good political function?

Now the bearing of this argument is not immediately clear perhaps. I will try to explain it. According to the older notion, classically developed by Aristotle, the highest quality of the statesmen is prudence, political prudence. Political prudence has its own principles, which are not derived from any natural science. So that they are known, or become known to a man, in the course of his life and his action. The sphere of action, the sphere of prudence, is a kind of a closed sphere. You do not need, except in a strictly subordinate way, other knowledge. You need, of course, all kinds of experts on this or that matter, but they have to obey the statesman. They can only advise the statesman; they cannot make the decisions. But there is this difficulty, that this whole sphere of prudence may be threatened by wrong theoretical opinions. For example, today. A Western statesman, thinking prudentially about what should be done. He is confronted by the fact that he has opponents who do not act prudentially, strictly speaking. I mean, the communists. But men who are guided in their actions by a certain theory, the so-called materialistic philosophy of history, dialectical materialism. Therefore, it becomes necessary for the statesman to face this issue. Mr. Dulles, for example recommended the reading of the book by Overstreet. It becomes a politically important thing—to get information about that. And something of this kind existed at all times. There are always false theoretical opinions which endanger the prudential handling of human affairs. And it is always, therefore, necessary to have

a theoretical defence of the prudential sphere. Those who know a bit of Aristotle will, I believe, understand what I mean. But not everyone of you knows Aristotle, and perhaps not everyone who has read Aristotle understands what I mean. Therefore, I would like to find out whether I make myself understood. Let me try to explain it again. What does the statesman have to know--apart from the obvious things that he has to know, e.g. his country, and its resources, and other things of this nature. But he has also to know in the first place something which we can regard as absolutely critical--the end, the end which he serves. For example, the preservation of the United States, and all these other things. And these things which we ordinarily mean by the common good, the public welfare, which are not defined in detail but which are clearly enough defined for a general orientation. He has to possess this knowledge. That is the kind of knowledge, the highest kind of knowledge a statesman must possess. His policies and actions are directed toward these pre-given ends. Therefore, he does not need theoretical knowledge, knowledge of the nature of things, in order to be a first-rate statesman. In a complicated society like ours he must have some expert advice and so forth regarding all kinds of technical details, and so on. But they are not political men; they are subordinate and merely advising the statesman. So the political sphere seems to be perfectly self-sufficient. That is, I think, the common-sense view, and it was the view developed and articulated by Aristotle. The point which Cicero, or Scipio makes here is this. By implication. The prudential handling of political matters depends on the fact that the sphere of prudence is not invaded by false theoretical opinion, which is always possible. I take another example. I believe in China they couldn't raise crops in certain areas because of the belief in ghosts in certain mountains, and the belief that they must not be chased out of their haunts. I have heard that. Let us assume that it was for the common good of China to use this land. I don't know, but let us assume that. Then what would be the difficulty? Wrong theoretical opinion must be refuted. Therefore it is necessary to enlighten, and that means a theoretical function--to replace a wrong theoretical opinion by a right one... ..Inaudible....

(The example which Cicero gives is an example of factual theoretical knowledge. I take it, when you speak of theoretical knowledge, that you refer not only to factual knowledge but also to moral knowledge.)

We will come to that. These distinctions are made, but the distinction between facts and values doesn't fit here. Approaching it from the present-day point of view, you would say that that is a factual question, and not a value judgment. This distinction is not made. And this distinction we can sacrifice to some extent in this course.

(It seems to me that there is a certain problem, because--as regards this self-sufficiency of the political sphere--it seems to me that you can either make one of two arguments. If he has to call on an expert, you know, this does not hurt the self-sufficiency of the political sphere. Why can't the argument be made that it is still self-sufficient in this other matter of theoretical knowledge, because just as he calls on the economist, or the agriculture man, he calls on the philosopher.)

For this reason. Because this common-sensical Aristotelian notion

of the self-sufficiency of the prudential sphere is denied by some people, and has been denied by some people, so to speak, at all times. More in modern times than in pre-modern times, surely, but therefore a defense is needed. You know, if a man has a philosophy of history, like the communists have, then they are, in a way, naturally prudent; they have what is called a tactic, which is their way of prudence. But fundamentally the whole thing is imprudent because it is based on the premise that they know what the outcome of this development is. Prudence, we can say, is inevitably affected by the fact that the future is unknown. In the moment that you assume that there is knowledge of the future, you act on the basis of an entirely hypothetical principle which deflects from prudence. For example, the willingness to reach some compromises, to take a present case, would be greater if the communists were not sure, not as sure as they are, that they will surely win the whole globe for their system. For them, a compromise would be merely a tactical concession; it would never be a genuine peace policy. And I think it shows in infinite varieties of ways.

Now let us go on. You must remember the context of the argument. It is a gradual rehabilitation of theoretical philosophy. And the first step is simply to suggest that you need some physics, some natural science, in order to prevent panic in your army, as Scipio knew from his own experience. But here he goes much beyond that. In the sequel, paragraphs 26-29, he develops a great theme, which I believe we should read even though it is very late. This is a very important passage for Cicero's whole argument. I think we begin on the bottom of page 47.

... things which others may see. Furthermore how can any man regard anything in human affairs either as exalted, if he has examined into yonder realms of the gods, or as of long duration, if he has realized the meaning of eternity, or as glorious, if he has perceived how small is the earth—not only the earth as a whole, but especially that part of it which is inhabited by man—and has noticed how we Romans, though confined to a scanty portion of it and entirely unknown to many races of men, hope nevertheless that our name will be borne abroad on wings and will spread to the ends of the earth?

You see how idiotic the assertion is that for the Romans, for the educated Romans, the Roman Empire was the society comprising all men. You know, there was a certain notion in the world of a cosmopolis, of a community comprising all men. And people say, well, the Romans identified their state, the Roman Empire, with that cosmopolis, with that universal society. Perhaps there were such fools. Cicero was not, however, as he makes clear here. He knew, even though he had very little geographical knowledge when compared with what every school child knows today, that this was not a universal empire, but that it was limited to a relatively small part of the globe. Continue.

But as far as our lands, houses, herds, and immense stores of silver and gold are concerned, the man who never thinks of these things or speaks of them as "goods," because he sees that the enjoyment of them is slight, their usefulness scanty, their ownership uncertain, and

has noticed that the vilest of men often possess them in unmeasured abundance—how fortunate is he to be esteemed? For only such a man can really claim all things as his own, by virtue of the decision, not of the Roman People, but of the wise, not by any obligation of civil law, but by the common law of Nature, which forbids that anything shall belong to any man save to him that knows how to employ and to use it; only such a man will consider that our military commands and consulships are to be classed among things necessary rather than things desirable,

Let us stop here for a moment. Here the word, law of nature, occurs for the first time, and here it is used by Scipio. Now what does this law of nature say, the common law of nature. It is distinguished, as is natural, from the civil law. The example here is this. The property which a man owns belongs to him according to the civil law, to the law of the land. But what does the common law of nature say, as distinguished from the civil law. The civil law says a thing belongs to a man if he has legally acquired it, for example, by legal inheritance, by purchase, or whichever it may be. But what does the common law of nature say regarding property? A thing belongs to a man who can properly use it. So, in other words, a rich playboy, to take a very simple case, has no right to his property. That is illegal. And if the civil law says that it is his property legally, that is a very narrow view of the matter. If you think this little thing through. By the way, there is a very good commentary on that, written some centuries prior to Cicero. One is Xenophon's Oeconomicus, at the beginning. And the other is very famous, that is, Plato's Republic. Because that is what Plato implies. According to the common view, justice is to leave everyone in the possession of what belongs to him, or give him the possession of what belongs to him. What belongs to a man is here presupposed to be defined by the civil law, by the positive law. And here the great question arises. What about the positive law itself? The positive law, after all, may be unjust. And therefore, by acting legally you act, in a deeper sense, unjustly. If the law is unjust. If you radicalize that, as is done by Plato, by Xenophon, by the Stoics, and by Cicero, who follows them here, the consequence is that there cannot be private property, strictly speaking. That is the simple implication of that. If everyone can own, justly, only what he can use, that is to say, use well, then some wise man, who has the judgment on this matter, must decide for each man what is good for him and what he can use, what he can use well. And, of course, if he proves to be unworthy of it, he will take it away, naturally. There is no private property in the full sense. That is the simple argument underlying Plato's Republic, developed more explicitly by Xenophon in the Oeconomicus, at the beginning, and taken for granted here by Scipio. That is a very grave assertion, and it is surely not Scipio's last word; otherwise, he could not have, in decency, been a Roman consul. But it is a part of the problem. Why is this so crucially important?—for the question with which we began, the theoretical and the practical life?

(Is it a theoretical question?—the question of what each person can use properly?)

Not really. It is a question pertaining to actions. You see, if this is the common law of nature, as Scipio says it is, and no society can possibly live on that basis, that every society must dilute this

highest principle by a crude principle which admits private property, then civil society is necessarily on a very low moral level. That does not mean that we can change that. It means that civil society is essentially on a lower level than that on which an individual, a thinking individual, can exist. But if that is so, if the whole society, the political society, is essentially on a lower level, then the highest form of human life cannot be the political life, but only the theoretical life. And that is what Scipio's whole teaching implies. All of these references to the smallness, even of the Roman Empire, and the other items which he makes clear. But let us continue.

and that they are to be undertaken from a sense of duty and not sought for profit or glory; only such a man, finally, can say of himself what my grandfather Africanus used to say, according to Cato's account—that he was never doing more than when he was doing nothing, and never less alone than when alone.

You see, that is a simple expression of the theoretical life. Because the practical life consists in action and consists, necessarily, in action together with others. Continue.

For who can really believe that Dionysius, when by the greatest exertions he deprived his fellow-citizens of their liberty, was doing more than Archimedes, one of those citizens, when he made that very globe of which we have spoken, in making which he appeared to be doing nothing? And who does not believe that those are more alone who, though in the crowded forum, have no one with whom they care to talk, than those who, when no one is present, either commune with themselves or, as we may say, participate in a gathering of most learned men, finding delight in their discoveries and writings?

Let us stop here. I urge those of you who want to have some benefit from this course to read the whole first book. We cannot read the whole thing. I can only say, and I believe that you will convince yourself in reading that, that Scipio sets forth here, contrary to everything said before, the supremacy of the theoretical life. And in this connection the term, the common law of nature, occurs for the first time. And we must see later on what the political meaning of this statement is. The common law of nature, these men say, is that law which the wise man and the only the wise man, the theoretical man, obeys. What is the use of that natural law for political society? That would be one question.

I would like to state very briefly the sequel of the first book. Laelius requests, Laelius, the lawyer you know, requests Scipio to tell them what he regards as the best form of civil society, the best regime. The answer which he gives is this. The best regime is the mixed regime, a mixture of monarchy, aristocracy and democracy. But Laelius insists on Scipio answering the question, which regime he would prefer if he had to accept a single regime, meaning either monarchy, or aristocracy, or democracy. And Scipio answers, monarchy. And he gives, of course, reasons for all these choices, which are of some interest. And maybe I do take up some of these points at our next meeting. Because, after all, we must understand that, and it is better that we read a bit less of Cicero and understand something than that we read more and understand nothing. Now is there any point you would like to bring up? As I said, I cannot

meet this class on Thursday, but from then on I hope to have no interruptions at all.

Let me summarize what is going on at the beginning of this work, which is in a way the theme of the whole book. It is the great question of the relation of the theoretical and the practical life, a question which must have been, of course, a very existential question for Cicero himself, who was a very great statesman, in spite of what some people say, and also a very great writer. We must never forget that it was Cicero who brought philosophy into Rome in such a way that he made philosophy acceptable to Rome. There have been some other writers, one of them a very great poet, Lucretius, who had written philosophic books prior to Cicero, but they did not bring about the marriage of philosophy and Rome which Cicero brought about. In this respect Cicero fulfills the same function for Rome which Plato fulfilled for Greece. There were philosophers in Greece before Plato, but that philosophy became respectable, a part of higher education as a matter of course, that was Plato's work, as an ancient writer, Plutarch, testified. I think we can say the same of Cicero. So the great question is the practical and the theoretical life. Cicero's private question, but at the same time a question which is not only Cicero's question but also a question for every thinking man or woman. And we will take this up later. And we will see in the sixth book, in this dream of Scipio, Cicero is trying to find a solution more favorable to political activity than say Plato's and Aristotle's solution was, but, fundamentally, it is the Platonic-Aristotelian position. And the whole doctrine is Platonic and Aristotelian. I have indicated by this example of the common law of nature the close connection between that and Plato and Xenophon. As a piece of merely historical information, I would like to say this. We know very little of the Stoics. We have only fragments of them. The first writer who gives a coherent exposition of the Stoic position is Cicero, in On the Ends of Good and Bad. But only in moral philosophy. Now we do know, however, one thing. That the Stoic school emerged out of a school founded by a direct pupil of Socrates, and that was Antisthenes, and the school is called the Cynical School. Now cynical does not have the meaning which it has today here. What can one say was the principle? At any rate, the Cynical school was an extremely non-political school, a school concerned entirely with the private perfection and with the private life of the individual. It was in no way an impressive school, but it is of some interest, because it is a crude version of one element of what we have in Plato and Aristotle. A complete rejection of convention in the name of nature on the basis of Socrates. This is one part of this argument here. Now, at any rate, the Cynic school somehow prepared the Stoic school. In the current presentation of Stoicism, this cynical origin of Stoicism is, so to speak, completely forgotten. And we must take proper cognizance of it in order to understand the Stoic teaching, because that is the teaching which, within certain limits, Cicero adopts. And that is, as I said at the beginning, the oldest coherent presentation of the natural law doctrine. We will find this in the third book of the Republic and in the first book of the Laws. But keep always in mind this question. Today, owing to the current preoccupation, underlined by a crypto-Marxism which affects present day thought very much, people always think, when they read Cicero, well, of course, a Roman, belonging to a certain Roman class, the higher class, the

aristocratic class, and they read his books in that perspective. And they do not sufficiently pay attention to the fact that, however Cicero might have been influenced by any Roman class biases, he was a pupil of philosophy, and in a way himself a philosopher. And we try to take his teaching seriously, and try to understand it. It may be wrong, but we cannot even dream of discussing its possible wrongness if we have not discussed it first. And for this purpose it is necessary to see the great importance which Cicero attaches to the whole question of the theoretical and practical life. This discussion will go on throughout the book.
(End of lecture.)

Cicero, De Re Publica, 7 April

... It appeared to me already, at home, that we cannot possibly discuss this wealth of material in one meeting. So some adjustments in the papers will be necessary . . . Now let us turn to the points which you have raised. You naturally presupposed quite a bit of knowledge which not everyone here may possess. You did not emphasize, for example, the fact that the Republic is a fragmentary book. You took this for granted. Therefore, if a certain argument, say, against justice is not met properly, we can't be certain that it wasn't met in the original. Therefore, one must be cautious in one's conclusions. I don't think you transgressed this law, but I only thought it should be emphasized.

Secondly, the historical data which you presuppose regarding Roman history. Of course, they are in no way recondite. Everyone who remembers what he learned in high school about Roman history, you know, about Romulus the founder, and so on. The usual dates are 753, the foundation of Rome, and 510, the expulsion of the kings. And Cicero lived in the first century, say, about four hundred years after the expulsion of the kings. Do you have a clear idea as to how far Scipio brings up the history of Rome?

(Well, I don't think his intention is to give a strictly accurate history.)

But what is the latest date to which he refers in his argument?

(He leaves it vaguely before their own time, I don't think he takes it right down to the time of the dialogue.)

That is true. I also couldn't find an exact date. I had the impression that he was trying to bring it up to the point at which the Roman constitution was effective, and not the story of its decay. That is probably his intention. But I am not absolutely sure of that.

Now the other point which you presupposed rather than developed was the concept of the mixed regime. We mentioned this last time, but not everyone present here may know what a mixed regime is. Therefore, will you say something on this subject.

(Well, the mixed regime is considered by Scipio that fourth form of government which was superior to anyone of the simple forms.)

What are the simple forms?

(The simple forms were kingship, aristocracy and democracy.)

And a mixture of the three is the mixed regime. That is the first thing. And now to get an idea, for those who do not know of this older discussion, if you take such a document as the American Constitution or the Federalist Papers, you still have there the presence of the idea of the mixed regime. You have a monarchic element in the American Constitution. Who is that. To be quite sure?

(Vice President Nixon.)

What? Potentially, yes. Alright, we understand each other. And the aristocratic element?

(The courts?)

No. The Senate. The name. And what is aristocratic about the Senate, even in spite of the considerable changes?

(The size.)

It is smaller, yes. And? Longer tenure. It is a greater approximation to life-long tenure than you have in the House of Representatives. And the democratic element is, of course, the House of Representatives. So there is really a continuity from these old Greek and Roman spec-

ulations up to the American Constitution. What is the fundamental difference, however, between the American Constitution and these older notions? I think it becomes clearer to a theoretical analysis if one would compare the Federalist Papers with Montesquieu's Spirit of the Laws. You know, Montesquieu's book is the authority for the Federalist Papers. If you read the Federalist Papers and see which political thinker or thinkers is positively referred to with the greatest emphasis, there is only one answer - Montesquieu. And Montesquieu had written a chapter on the English constitution, the eleventh book, chapter 6. This was, in its turn, a rewriting of the 6th book of Polybius' History, in which Polybius had presented the Roman constitution. And Polybius was also a teacher of Cicero. You know, Cicero was not known at that time. You must never forget this. He was recovered, or the book was recovered, only 140 years ago. But his main thought on this subject was known via Polybius, with whom Cicero agrees in these matters. Now what is the difference . . . But first I must say this. The notion of checks and balances is already in Polybius; the idea that the three elements would check and balance each other. And if there is an element of mechanical construction in that, one does not have to think of Newton, and the Newtonian cosmic system. That is already in Polybius, who antedated Newton by 1800 years. But what is the real difference between, first the scheme of Montesquieu and that of Polybius-Cicero, and, then, between the Federalist Papers and Montesquieu. That is necessary to mention, in order that you see (a) how different is what Cicero does from what we understand now by constitutional doctrine, but also see the kinship at the same time. In one word. The justification of the mixed regime . . . Naturally in Britain there is a mixed regime via King/House of Lords/House of Commons. For Montesquieu, the key idea justifying the mixed regime, which he does not emphatically call the mixed regime, is individual freedom, individual liberty. You cannot have individual liberty if all power is concentrated in one man or one body of men. This emphasis on individual liberty is completely absent from Cicero and Polybius. Liberty, yes. The liberty of the people. But not the liberty of the individual. That is not emphatically the problem. To the same connection belongs the other consideration. In Montesquieu there is a close connection between the doctrine of the mixed regime and the separation of powers. The three powers—legislative, executive, and judicial—this distinction of the three powers occurs in Aristotle already. That is an old doctrine. But not the separation of powers. With this is connected the other fact. When Polybius described the Roman constitution, and he said there was one chunk of power with the consuls, another chunk, a bit chunk, to the Senate, and another to the popular assembly—there is no principle involved in this division into chunks—one chunk to, say, the legislative, another to the executive, and another to the judiciary. Each, so to speak, partakes of all these powers, but a different chunk of it. So in Montesquieu's doctrine] the separation of powers is an essential condition for individual liberty. This concept of individual liberty is a key thought in Montesquieu, and it is not the key thought in Cicero and Polybius. Now, as for the differences between Montesquieu and the Federalist Papers, or the Constitution. The most important difference is this, as far as I remember now. Substantially what I say is true, but there might be some footnotes necessary, of which I don't think now. The original notion of a mixed regime thought of a combination of powers.

each ruling in its own right. Take the simple case. You have an hereditary king, who owes his power to prescription, going back to William the Conqueror, and even to Alfred the Great and beyond that. Some of you may remember Burke's famous statement on this subject. Then you have an hereditary nobility, owing its power to nothing but prescription and heredity. Then you have the power of the people, which is also a power in its own right. Now by virtue of the doctrine of the sovereignty of the people, which became so powerful in the 17th and 18th century, this doctrine was reformulated, and that is the basis of the American Constitution, surely, and not yet of Montesquieu. All the power rests originally with the people, and these powers are delegated powers. The only being which has an inherent power is the people. That is the way the American Constitution starts. The preamble. But the people, if it is wise, will delegate that power to different sets of power holders—a monarchic, an aristocratic, and a democratic element. Or, from a different point of view, to a legislative, executive and judicial branch. So this we must keep in mind. That neither the sovereignty of the people, nor individual liberty as a key consideration, plays any role in Cicero. I think you must not expect that.

Now the next point. Quite a few things which you said I knew somehow. But the point which you made which was new to me and I found very good was this. That you said Cicero himself is linked to this group of conversationalists through Rutilius, and Scipio is linked again to a still older age with Cato. So we have really a very old Roman wisdom.

(Cato himself was a new man.)

But what I found particularly gratifying was that you drew attention to the fact that this Cato is praised also in the first book with a view to this great issue of the theoretical and practical life.

(So he is a joint authority.)

That I thought, to me at least, was particularly useful. Now there was another thing which I did not understand. You said the critique of maritime location contradicts the rape of the Sabine women story. Why?

(Well, others needed to be protected against the Romans. The Romans were the alien corrupters. And all this effort of Romulus to have protected his citizens . . .)

I see. Perhaps a trifle far-fetched. The story of the rape of the Sabine women is really very important because it is the story of an act of injustice. But I don't see that there is such a connection between this and the maritime location.

At any rate, you noted quite a number of contradictions which we shall have to consider later. And you understood them correctly, that they have something to do with the noble lie. That is present here. And this, of course, raises the whole question of the relation between Cicero's Republic and Plato's Republic. Now, how would you define it on the basis of what you have read? Let us go back to the beginning, because not everyone may know as much as you do. Therefore, start from scratch. What did Plato do in this Republic, in the most general way and what does Cicero do in his Republic?

(Well, first of all they raise the question what is justice.)

Yes, and what is the just political order. These are inseparable questions.

(And the discussion of justice and injustice, the unjust speech leads to . . .)

Yes, that you emphasized very well, and we come to that later. That also was a very good observation. But what is Cicero, or Scipio's

criticism of Plato's Republic.

(The ideal. This is not good enough; we want to point it out in the concrete, the political principles, the nature of the political principles.)

In other words, Plato's best city is one which exists only in speech. And here he wants to show one which exists in deed. Why is this better?

(I think it is part of the emphasis of the whole book. It is more practical.)

Sure, that is very true. But why is it more practical? What is the defect of a best city which exists only in speech as a blueprint?

(It is difficult to act on.)

Well, you have a blueprint, and then you say we are going to make this. Every rocket sent up is based on a blueprint, and the people act on it.

(I would say that that as a blueprint it fails to perform the function the regime is supposed to perform, namely, to mold and shape the lives of its citizens.)

Establish it! And it will do this.

(Well, it is impossible to establish.)

Why?

(Well, to use a quote, this state may be an excellent one but it is quite unsuited to men's actual lives and habits.)

Good. That is a very serious substantive criticism of Plato's Republic. But we are speaking now only about the formal character. A blueprint best state and an actual best state. What is the difference?

(If the state cannot be actually established, then the claims of the practical life are superior to those of the theoretical life.)

Sure, that would follow. But that is not what I have in mind here. A much more simple point in relation to the practical problem.

(The difference between actuality and potency. The existing state is actual; a blueprint state is potential.)

You are too much of a theoretician. It is much simpler.

(An actual state, like Rome, was built up through the wisdom and activities of many men. This would be better than the activities of one man.)

In the Republic there are thousands of citizens. That is not one man.

(But the regime is conceived by Plato.)

Oh, I see. Yes, that is another consideration. We will come to that later. But I would state it as follows. I gave the example of these rockets. You have blueprints, and then what do you read next day in the newspaper? Good. In other words, it may be the most wonderful blueprint, but you can't be sure it will work. If you have an actual best city, then you know it will work, because the conclusion from actuality to possibility is valid. The conclusion from there merely proposed possibility to a true possibility is not valid. There are all kinds of errors possible. That is the first thing.

Now the other point which one of you mentioned is also important--the difference between a blueprint made by a single man, however wise, which is said to be inferior to something that is the product of collective wisdom of the ages. That is another consideration. Needless to say that the communism, the equality of women business, the rule of philosophers and all this is completely out. There may have been a discussion of it in the lost parts, but there is nothing here.

Now you linked this up, or perhaps I should say you did not link this up but suggested it as a problem--this peculiar feature that in the Republic the best regime is presented as a reply to the criticism of justice. Someone says justice is bunk, and then Socrates, in order to refute it, draws a picture of a perfectly just society, which makes perfect sense, if the deeper meaning of that critique of justice is you cannot rule a state justly. And if the whole state cannot be ruled justly, then justice is possible only in little places--when you go to the grocer and buy things--but in the biggest things, justice is not possible . . .

(End of reel; a few sentences were lost in the course of changing reels) . . . How do you explain it? I mean, is there a link between this inversion and the other changes, i.e. that we have here an actual polis.

(That is the connection, I believe. The fact that the best regime here is actual.)

And therefore?

(And therefore not perfectly just.)

Yes, that is already . . . I see, you think that one has already to go beneath the surface of that question.

(Yes. The very fact that Scipio has had to gloss over certain things.)

Yes, You made some very good remarks about that. Alright.

(I don't know whether this is relevant, but I was going to say that part of this is because, perhaps, he realizes that in Plato justice is a function, in a sense, of the regime. But in Cicero, you might say that why he begins with what he begins with is that there is no justice as such. There is only the justice of a regime, of actual regimes.)

But how could this be? Does this not presuppose a notion of justice, in the Platonic language, an idea of justice, in the light of which you recognize a given regime as just or unjust, or half just? In other words, that would not settle it. That would not settle it. But still I would like to have this stated a bit more clearly. To repeat, what is the problem? Cicero says the best regime is an actual regime, the actual Roman regime. Plato says the best regime is not actual anywhere. It could be actual but it is not actual. Cicero presents first the actual regime, and discusses then the fundamental issue of justice. Plato, we can say, proceeds in the opposite way. He has first a discussion, the case for injustice, and then in answer to this the best regime. Here we have first the presentation of the best regime, and then the discussion of whether injustice is not necessary for . . . Now, repeat again, what is your view of the connection between the points.

(I think he has to make, in a way, to make the actual regime just.)

He has to make the actual regime just. And, in other words, the presentation of the actual regime as just is not to be taken too literally?

(No. He brings up the question of this himself.)

I see. So he first takes a simple-minded, patriotic view. Our ancestors can't have committed an unjust act. And he idealizes the past, but lets us see through the idealization the sordid elements. I see. This gives, then, rise to the question, because that is what he means, if even our wonderful Roman system was based on some gross acts of injustice, is this not an argument in favor of the enemies of

justice. Is that what he means?

(There would be something like that.)

That makes sense. That is one way of putting it. That is good.

Or is there any objection to that?

(I don't know. Perhaps I am trying to make this too radical a difference, but it seems to me that the difference is something along the line that the best regime is determined by an idea of justice versus justice determining the nature of the best regime . . . inaudible . . .)

But how . . . The word ideal is a ticklish term, and I may speak about that later. We understand each other sufficiently now for practical purposes. I would say that is absolutely impossible. How could Cicero prove the justice of the actual Roman regime, or the defective justice of the actual Roman regime, if he did not have a notion independently of Rome, as to what justice is. Whether you have to conceive of justice as a Platonic idea or in the way in which Aristotle presents it in the Ethics, that is an important but here secondary question. In other words, what you say, if it were true, would mean that justice is, in Cicero's opinion, a derivative from Romishness, Romanism.

(Inaudible . . .)

Let me state it differently. The ambiguity of the proof of the perfection, i.e. justice, of Rome gives rise, makes the question really pressing, can there not be a perfectly just regime? Is it possible to have a government which rules justly in every respect? And so we have, as it were, the empirical material for raising this question supplied in book two together with the explicit discussion in book three. And in book three we find this complicated situation. That there is one man taking the side of what would now be called Machiavellianism, and another taking the side of what now would be called moralism, but not Scipio. The main speaker, the central figure, Scipio, does not state the case against justice or the case for justice. He agrees at the end.

(Very enthusiastically.)

With Laelius. But he is not the man selected for the speech. That is quite striking, because in the Republic, Plato's Republic, Socrates, who presents the perfect polity, is also the one who defends justice. Whereas here the man who defends justice is someone different from the man who draws the picture of the best regime. Good.

Now we must go more into details to settle this question. But there was one more point—just wars. You brought this up. Because that is, naturally, decisive. If the Roman state claims to be just, and if this Roman state became what it was by conquest, these conquests must have been just, these wars must have been just. This is discussed in later times very interestingly in Dante's Monarchia, where Dante tries to prove the perfection of the Roman Empire, which he believed to be the Roman Empire in his time, the Holy Roman Empire, by showing that the Roman wars were all just and that they had the character of duels, of single combat between individuals. And the Romans always had the good cause, and they won. And you said almost that no Roman war was just.

(Well, almost. It is conceivable that they were. Laelius' criteria are that it has to be declared and that there has to be a

provocation.)

Yes, that is not quite so clear. But nevertheless the main point you made was correct. The definition of a just war given when Scipio speaks of the original Roman law of nations in the second book, according to which the requirement is declaration of war. In other words, what was done at Pearl Harbor was really against the law of nations. But if Japan had declared war in the proper form, then there would have been no injustice. Now later on the definition of the just war, which Laelius gives, is much more restrictive. It must be a defensive war. In other words, the older definition would permit of an offensive, aggressive war preceded by a formal declaration of war. Laelius' demands are much stricter than that presented earlier.

(I thought he said . . .inaudible . . .was not a just cause for war.) Yes, sure. But that presupposes a preceding offense. In other words, what it means is this. An enemy attacks you. You are defeated, and you can't go on. But then, when you make a war with the new generation thirty years later, to get back that Alsace-Lorraine, or whatever it was, that is all right, because you were not the aggressor in the first stages.

(And then, as time goes on, and this has happened three or four times...) Well, there is no question that you can justify almost any war on the basis of this, but what I am interested in now is to prove that Cicero was aware of it. And the proof could only be supplied by a clear contradiction within the book. Otherwise it is a bit speculative. Good. I am glad that you saw the problem.

Now this much about your paper. Let us turn to the second book. We may have to refer to certain sections of the first book. Now let us see where we begin. Now you remember the situation. They met at the beginning, and the original question was really not that of the best regime but the supremacy of the theoretical or the practical, political, life. And the balance of opinion was in favor of the practical life. They were Roman statesmen, not speculators. And then the outcome was a request addressed to Scipio to answer the question what is the best regime. This Scipio did in the first book, and the answer was that of all single regimes, simple regimes, monarchy is the best. But no single regime is good and the mixed regime is the best. And the assertion that this we find in Rome. Now in the second book we get the more specific statement. Let us read the second paragraph.

Cato used to say that our constitution was superior to those of other States on account of the fact that almost every one of these other commonwealths had been established by one man, the author of their laws and institutions; for example, Minos in Crete, Lycurgus in Sparta, and in Athens, whose form of government had frequently changed, first Theseus, and later Draco, Solon, Clisthenes, and many others; and last of all, when the State lay bloodless and prostrate, that learned man of Phalerum, Demetrius, revived it again. On the other hand our own commonwealth was based upon the genius, not of one man, but of many; it was founded, not in one generation, but in a long period of several centuries and many ages of men. For, said he, there never has lived a man possessed of so great genius that nothing could escape him, nor could the combined powers of all the men living at one time

possibly make all necessary provisions for the future without the aid of actual experience and the test of time. Now this we must try to understand, because it looks suspiciously close to an opinion which has become very popular in the last 170 years. It reminds of a very famous political writer of whom you all know.

(Burke.)

Burke. Edmund Burke. And one could say the problem of understanding Cicero's Republic is in a way that of understanding the subtle difference between Burke and Cicero. What did Burke say? Perhaps I read to you a passage from The Second Letter on a Regicide Peace, in the Bohn edition (page 253 following.)

The states of the Christian world have grown up to their present magnitude in a great length of time,
That is meant as a recommendation.

and by a great variety of accidents. They have been improved to what we see them, with greater or less degrees of felicity and skill, Not one of them has been formed on a regular plan, or with any unity of design. As their constitutions are not systematic, they have not been directed to any peculiar and eminently distinguished and superceding every other. The objects which they embrace are of the greatest possible variety and have become, in a manner, infinite. In all these old countries the state has been made to the people and not the people conformed to the state. Every state has not only pursued every sort of social advantage but it has cultivated the welfare of every individual; his wants, his wishes, even his tastes have been consulted. This comprehensive scheme virtually produced a degree of personal liberty in forms most averse to it. That liberty was found under monarchies styled absolute, in degree unknown to the ancient commonwealths. From hence the powers of all our modern states meet in all their movements with some obstruction.

Because of the great freedom given to the individual.

It is, therefore, no wonder that when the states are to be considered as machines to operate for some one great end, this dissipated and balanced force is not easily concentrated or made to bear with the whole force of the nation on one point.

In the sequel he again emphasizes individual feelings, individual interests as a concern of the modern state as distinguished from the ancient state. One has only to read this passage, and I may read some others, to see the crucial difference. For classical political thought, Cicero included, there was no question that there would have to be one overriding end. Naturally, not excluding a variety of ends; but all these other subordinate ends ultimately find their justification in a supreme end. And, needless to say, consideration for individual feeling, individual interest in this form, is not a major consideration of classical political philosophy. There is some reference to it, by the way, in Aristotle's discussion of Plato's communism, when he says how unbearable such a communism would be--where you are under constant supervision and have no privacy whatever. But that is by far not as strong as it is here.

From the sequel there appears that there is a close connection between this freedom and . . . So the variety of ends is justified by the concern with individual freedom, individual liberty and individual feeling. And one great instrument of that is what is now called the capitalist system. Which is something, of course, which is wholly alien from classical thought. And the French Revolution is exactly that challenge—one overriding end, complete disregard of all customary things which have grown up through the ages, and therefore the utmost tyranny. You see, these questions are of immense practical importance. What we call now liberalism, and let us say liberalism in the more elevated sense of the word, is of course a principle of Burke. I say elevated, because of course Burke would not say that every value is as good as every other. But the crucial concern with a variety of ends as a support to the individual feeling and individual liberty. System, machine, perfect construction—fatal to liberty. Therefore, the state which has come into being without supervision by a variety of accidents is likely to be freer than the one which has sprung from the head of a supreme, single social engineer. Well you are all familiar with this antithesis. Everything in the papers refers to it. We can take this only as a side issue, however. Now you had a problem. (I was wondering whether this is correct, that for Burke time itself seems to validate the system. I get the impression in Cicero, however, that while time may produce the best system it is best regardless of the amount of time.)

That is a very valid point. But we don't yet have sufficient basis to make it. It will appear later. Sure. The notion of prescription is alien to Cicero. I mean, in a very derivative argument it would come out that, other things being equal, the established has a kind of preference over the non-established. How is this legal maxim called? Possession is nine-tenths of the law? I mean, that as a practical rule has, of course, a great reasonableness. By the way, I read quite a few studies regarding Burke made with this intention—to show that Burke is in fundamental agreement with the Thomistic doctrine. That is very true, as far as it goes. And the last statement of this kind, which I had occasion to hear of, I wrote to the author, please discuss the concept of prescription and try to see how far this is a Thomistic concept. That is, I think, the key problem. Prescription plays a much greater role, to put it mildly, in Burke's work than it does in Thomas Aquinas. And that would require a, be an interesting question for a more refined analysis of Burke.

But, as you observed, we cannot impute this notion of the historical process to Cicero. That is impossible. I would try to start from this fact. The question of the wisdom of one and the wisdom of many. This is discussed in the third book of Aristotle's Politics, when he discusses the right of the individual, of the wise individual, and the rights of the multitude. And then there is a long discussion in which Aristotle accepts to some extent the view that the collective wisdom of a multitude is superior to the private wisdom of an individual. The idea being that this wise individual would, of course, be a member of the multitude, and certain things, of which he is unaware, he might very well learn from the others, and so on. But Aristotle speaks only in terms of a contemporary multitude. Now if you

stretch that, and say a sequence of wise men, statesmen, in different ages, confronted with very different situations and problems in their time, is likely to produce something more perfect than what the wisest individual could produce in his age. I do not believe that Cicero goes beyond that. And that, of course, has nothing whatever to do with history as it is now understood.

We may look at some later passages and perhaps the one you had in mind we will come on this occasion. Now let us take paragraph 30, page 139.

Yet you will be able to realize this more easily if you watch our commonwealth as it advances, and, by a route which we may call Nature's road, finally reaches the ideal condition.

That is, of course, a very bad translation. The best condition would be the minimum of change. The word ideal doesn't occur in Ciceronian Latin. Best, this simple and everyday word is alright. "If you would see the commonwealth progressing . . . by some natural road and movement." How does he say it.

("by a route which we may call Nature's road.")

"By some sort of natural road." But let us stop here for a moment. You see, when Burke justifies his historical notions . . . No, I think I must go a bit back, and explain this first. When you read Plato's Republic and Aristotle's Politics and even Cicero, or for that matter Thomas Aquinas, all these people were, in a certain popular sense today, conservatives. No one was not conservative, I mean of sensible people, until about 1600. Some wild fanatics were not, but the others were all conservatives. And that changed only because the belief in a splendid future to be brought about by human political measures took hold of man in the 17th century. But this conservatism has nothing to do with what we can call the post-revolutionary conservatism, by post revolutionary I mean the French Revolution, with that conservatism which emerged in reaction to the French Revolution and whose most famous and glorious exponent is, of course, Burke. How does it appear? Since Burke, . . . as a consequence of Burke, the following distinction has become very frequently used. Simple words, but I write them on the blackboard. Made or grown. The key word became this (pointing to blackboard). What the French did was to make a constitution and make a state. And that is bad. The only way in which you can have a good society is that it has grown. Making, that means an artifact. Grown, that means something natural, like a plant. Now this has become so commonplace that we don't even think there is anything striking about that. Now the important point is this. Although Plato and Aristotle were much more conservative than the 19th century conservatives were, they were absolutely in favor of the made. The concept of growth in this sense didn't exist. In Aristotle it is especially clear in the sixth and seventh book of the Politics, where he discusses all the time how to make, almost to fabricate, a constitution. In America you are in a better position because the constitution here was a written constitution made at a given time in a convention. It was not a grown constitution, whatever the present day historians would claim. They would say that it was only the old British constitution with the head of the British governor replaced by something else. But he wasn't called the governor. How was it called, the representative of the Crown? Or was he. At any rate that is not the case.

Now after the French Revolution this was taken for granted—that, other things being equal—what superior men, on the basis of great wisdom and long experience, would consciously make is likely to be better than what comes into being in mere response to accidents as they arise. It is a great question where do you find these wise men and where do you find multitudes obeying them. That is the great practical problem. And therefore one would be practically conservative and say, let us stick to what has stood the test of time. But that was a secondary practical consideration. Theoretically it was this.

Now this was stated at the beginning of modern times, in Descartes' Discourse on Method, in a particularly impressive way, when he says, . . . he compares a French town of his time with Washington, or some of the European cities founded in the 18th century. You know, each man builds his house as he sees fit, and the streets are crooked, and you don't find your way in this wilderness unless you have lived in it from your childhood. But if you come to Washington, or any such city, then you have here a center, and the streets are numbered, and you can be absolutely sure how to proceed from 70th Street to 100th Street by merely knowing the numbers. You know, the rational city, the rationally planned city. That applies also, according to Descartes, to the society, and especially to the law. If you have a legal code which is only the consequence of all kinds of enactments here and there, you know, made at different times by different judges, that must be inferior to a code made by one man or a body of men with a view to a single overriding plan and its proper sub-divisions.

So whatever Cicero may have in common with Burke, we can be reasonably sure that he did not mean that. That he did not mean that Rome is better than Sparta because it has grown and was not made. The reason was, as he clearly says, that if there was a sequel of wise men, say in two hundred years, or say in each generation, then it can be assumed that this collective wisdom will be superior to the wisdom of any one individual. That is a different position! And that is what you were driving at? Yes, one must make this absolutely clear.

Now there is another passage here. Now what does Cicero mean when he says that Rome has come into being in a natural way? Is this not Burke's language—that a society is better if it comes into being by a slow growth rather than by making? Does he mean that? What is a natural course, according to Cicero?

(My natural doesn't he mean in accordance with wisdom, or something like that.)

I think he says that.

(He says it at the end of that paragraph.)

Read the sequel of that paragraph.

May more, you will deem our ancestors' wisdom worthy of praise for the very reason that, as you will learn, even of those institutions that have been borrowed from abroad, many have been improved by us until they are much better than they were in the countries from which we obtained them and where they had their origin. And you will learn that the Roman People has grown great, not

by chance, but by good counsel and discipline, though to be sure fortune has favoured us also.

So, in other words, it was not the variety of accidents; it was the fact that counsel and civic training were present in a sequence of generations. And that is the course of nature, meaning that is the natural way in which a civil society can be improved. There is no question of an unconscious growth. But how did Burke make a case for his view? Common-sensically speaking, Cicero is right. In a given society which has a solid foundation, a reasonable foundation, there will always be present, in each generation, some leading men of wisdom. And then one can assume that this will become better and better. But on what was Burke's belief based—that this sequel, if it is not interrupted by foolish human intervention, that this sequel itself will lead to a satisfactory result. I mean, it is not human wisdom which governs these decisions. What is that? What was Burke's argument?

(Sort of an overarching providence, isn't it.)

Providence, exactly. And therefore the question arises, is Burke's view of providence, that it is in this direct way effective in the state, really necessary from the biblical point of view, to which he refers. Is it not already a somewhat "secularized" providence into which Burke puts his faith. That would also be the question to be considered regarding Burke.

We have to consider another passage a bit later, at the beginning of paragraph 45, page 155.

At this point begins that orbit of development with whose natural motion and circular course you must become acquainted from its beginning. For the foundation of that political wisdom which is the aim of our whole discourse is an understanding of the regular curving path through which governments travel, in order that, when you know what direction any commonwealth tends to take, you may be able to hold it back or take measures to meet the change.

You see, here he refers to a natural motion and a circuit. How does the translator say, orbit, yes, going around. A circular course. Nature comes in, in Cicero's doctrine, in the following way. He speaks of these inclinations. And what these inclinations are he explains in the sequel. For example, royalty has an inclination to tyranny. Aristocracy has an inclination to oligarchy. Democracy has an inclination to mob rule. Since it is an inclination, prudence can find ways to resist that. And the most overarching prudence, that of the real statesman, would consist in establishing a mixed regime. Thereby the wicked inclinations, the vicious inclinations would be counteracted and prevented. So what, then, is the natural course. He doesn't say natural course, but quasi-natural course, a kind of natural course. Now what does he mean by that? That the Romans have taken each regime and were prudent enough to stop the fatal development before Rome itself was ruined. So when Rome's king became a tyrant, they drove him out; but were prudent enough to preserve a monarchic institution, the consul. The same applies to the aristocracy. This was that. This was what Cicero means by the natural character. And it has nothing to do with the notion of growth.

(I don't understand. What is natural about what the Roman's did?) It is of the essence of kingship to have this inclination towards tyranny, the essence of aristocracy to have the inclination toward oligarchy, of democracy towards mob-rule. The Romans, like wise physicians, the body, the natural phenomenon, observing that, did the proper things and acted with a view to the nature of things. And you can also say, to act wisely, like a wise physician, with a view to possible disease, that is the quasi-natural course, the kind of natural course which the Romans followed. One can say it is unnatural not to try to heal diseases. Because the nature of man is such that is capable to have diseases, obviously. But, if he is a rational being, it belongs to his nature to be able to do something about it, and that is called medicine. So medicine is in this sense a kind of natural way which men can follow. It would be unnatural, it would be contrary to man's rationality, to forbid medicine. In the same way, it is in a way unnatural to prevent the working of true statesmanship. I don't believe that Cicero means more.

(Isn't this different from Plato in the sense that Cicero is talking about a constitution built on the understanding basically of the nature and not of the ends, the highest ends, . . . inaudible . . .)

No. For the following reason. Because you must not conceive of the ends, as Plato and Aristotle understand them, in the Kantian way. Here is reality (pointing to blackboard) and here is ought. And no bridge between the two. Human nature, as it was understood by people like Plato and Aristotle and Cicero, is in itself directed toward an end. And therefore to understand the end of man is the same as understanding the nature of man. You cannot . . . Take an example. When you see very young boys and girls, say about nine or ten years old. You find frequently a very intense dislike of the other sex. Girls don't like boys and visa versa. And then when they are sixteen or seventeen, or when they have grown older, that has changed. It has in a very strange way changed. Now what happened? There is a tendency, which was already in them but which develops only at a certain moment, toward procreation. So we see that this human nature, this procreative desire, the so-called sexual desire, is a desire directed toward an end. One can perhaps say that in the modern notion of desire, the fact that every desire is a desire for an end is somehow forgotten. And the mere urge, which does not have an end, has taken the place of this desire. Is this clear?

(I was going to say that while it is certainly true that for Cicero there is no blind growth which is blind in itself and guided exteriorly by a process or providence or something like this, it is still true that he introduces an element which seems to be lacking in his predecessors, namely that of growth. It is a growth of a kind.)

Yes, but it is important whether it is understood as growth. And whether the absence of consciousness and of wisdom is in itself regarded almost as a virtue, as it is in Burke.

(Oh no, it is highly important and necessary, but what is important is that what is different between him and, say Plato, is that the regime grows over time, granted with the necessary requirement of conscious wisdom applying, taking into account the nature of things. But still it is over time that it grows. It does not come . . .)

The question is whether this really marks a fundamental difference.

That there is a difference, of course, is true.

(Well I would say that it is as fundamental a difference as that which says the best regime must somehow also be an actual regime in essence. And not just one that is desirable.

That is an entirely different question. We must not link it up immediately. Let us consider this other argument. In other words, we have made clear this much. That Cicero's notion of a slowly developing commonwealth is not Burke's notion. That we know. Now you said, and it is absolutely necessary that we raise this question, that although these things are not clear in Cicero's own mind, is there not a tendency toward an historical understanding of society. That is your question. And you point out that there is another element of this modern historical view, namely, the contempt for blueprints, and, in a way, even for ideals, in favor of what is actual. After all, history has only to do with actual societies, societies which have been or which are.

(I think you are loading the dice against me. I wouldn't have phrased it that way.)

Oh no, I have no such desire. I try to clarify the question. Please correct me.

(Well I don't mean to make Cicero a pure historicist, or something like that.)

Sure. But still, what was wrong in my statement?

(The emphasis on the contempt for the blueprint in favor of the actual. I don't think that this is the emphasis in Cicero. He has a real concern for the ideal.)

Well, alright, but how would you then state the question.

(Well I would state the question, as I stated it, that his idea of growth is very much akin, and based upon, his idea that the regime is an actual regime, you know, the best regime.)

Alright. Let us limit ourselves to that. I believe you must mean ultimately what I said, otherwise it is not (inaudible). But let us leave it at that. As you say there is surely this great difference. That Plato's regime and even Aristotle's best regime, in the seventh and eighth books, exist only in speech. And the implication is that this does not detract from their significance, that they as such exist only in speech. Plato and Aristotle both say that they are not under an obligation to give you an actual example of the best regime in order to prove that this is the best regime. The question is whether Cicero denies that. From Plato's and Aristotle's point of view there would be no objection to say that the best regime, which as such only exists in speech, exists in fact also there. Proof. The Critias, the Timaeus. The Republic has a sequel as you know--the Timaeus, and then the Critias. Now these two dialogues are based on the hypothesis, oh no, on the assertion that the very old Athens, so and so many thousand years ago, was the perfect regime. And the reason given by Socrates himself is that we want to see the best regime not only in speech, as a blueprint, we want to see it in deed. And now I have very reliable information, stemming from very big liars, as they prove to be, according to which the old Athens was the best regime. And therefore they give it. But Plato in his wisdom never gave that. He stopped in the Critias after the description of the enemy of Athens, the island in the west, Atlantis, and did not give the description of the old Athens, because he felt

that was too big a lie, or something of this sort. But what I am concerned with now is only this. That the possibility of the best regime being present somewhere on earth, at some time, in no way contradicts the Platonic/Aristotelian premise. That is a merely factual question. What is that passage in the Republic, where he says, if it has ever existed or if it exists now in some barbaric place, meaning in a place of which I do not know. That could exist. It is possible. Whether it exists in fact is a purely factual, historical question. Now I come to another point, which you believed to discern. I come a bit closer. Polybius, in the sixth book of his History, where he gives a description of the Roman constitution, takes issue with Plato, and says, well, that is very fine, but that is only in a book. I want to see a best regime which exists. And therefore he turns to Sparta and Rome as the greatest, as the best candidates for this honor. Now Polybius was an historian, and Scipio was a statesman. Now I can easily see it, even if I have no empirical proof at the moment, that at all times there must have been so-called hard headed statesmen who say, what do I care of these blueprints which these squabbling fellows in their corners have developed, I want to see what really happens in actual states. And I leave it at the most respectable actual states. That is, for all practical purposes, the best state which exists. Traces of it you find, let me see . . . What does Aristotle say in the tenth book, when he speaks of the political science of the sophists? That comes close to it. He says they think that it is perfectly sufficient in order to be a good teacher of legislators to make collections of the most renowned laws. And let them read that. And not have a theory. To which Aristotle, in his wisdom, says —how can they detect the best laws if they don't know, in the first place, what is a good law? But you can easily see that from the somewhat narrower horizon of the practitioner, it makes perfect sense to say I don't want to discuss things which never were. The defect of this is, among other things, that it is conceivable that the best thing possible for man was never actualized. All modern belief in progress, all modern political idealism, is surely based on this. And Kant, who was the great exponent of this modern political idealism, speaks therefore—how does he call it—of this contemptible . . . I'm sorry, I have forgotten the exact wording. But he uses the word contemptible . . . reliance on experience, as if there had never been a free society hitherto, from that it surely does not follow that they cannot be a free society in the future. I mean, the whole history of the West, in its good and bad aspects, depends absolutely on this simple and undeniable thought—that the conclusion from the actual to what is truly possible politically is not valid. And there is a great danger in present day political science, in its strict empiricism, to obscure this important fact, which is after all the condition for reasonable improvement. That something which has not been yet tested might work and might be better for everyone concerned.

(If I could just perhaps clarify what I meant by this. It seems to me that the crucial difference between Cicero and Aristotle and Plato, on the other hand, is this. That in Aristotle and Plato the assumption was something like this. This is the best regime. Now it may or may not be actual, but it is possible of actualization. I would say I don't think it is. But we will grant them the theoretical possibility that it can be actual. It

seems to me that what Cicero says is something like this. The essential regime must not only be this ideal thing but must also intrinsically, in itself and theoretically, be absolutely possible of actualization.)

That is what both Plato and Aristotle claim for their best regime. Take the Laws, if you say the Republic is much too subtle. I grant you that. And I am sure that Plato claimed that only for his Laws in seriousness. But surely Aristotle claimed it for the seventh and eighth book of the Politics. Why should it not be possible? There is no obstacle in the nature of man. That in a given society the ruling group are, on the whole—not every individual, that doesn't work—on the whole gentlemen.

(Take the exception which Laelius makes against the Greeks, the one which I read before. That it is unsuited to men's actual lives and habits, however excellent it may be.)

That he says on Plato's Republic, where Aristotle fully agrees with him. That is a very special question—whether Plato's Republic can be considered as the best regime. Plato himself, I believe, would grant to you, after you had lived with him some time and made the proper objections, that you are right. At least that is my way of understanding the Republic. He would, on the other hand, say that the idea of the best regime in itself, and not as developed in the Republic, is inevitable. The idea of a best regime is implied in the very possibility of any improvement. Because when you improve at a given point, you say this could be different—for example, the police could be slightly better here. And you have all kinds of improvements which are possible. And you try, however, to get a coherent picture. Because someone might say, if you make this improvement you will get this defect as the price of it. And Plato and Aristotle say just grant me one thing: grant me the most favorable conditions possible—good climatic conditions, a healthy population, and a reasonable density of population, and so on. Grant me that. And these conditions are possible in the nature of things, because there have been such cities. Now what would be the best shape, under the most favorable but not impossible conditions. That is the best regime. That is what Plato and Aristotle mean by it. And these most favorable conditions mean, to repeat, possible conditions, not fantastic conditions. If it would say that all men are very intelligent, that is an impossible condition they would say. But assuming that the distribution of intelligence and non-intelligence is, as we know it from general experience, a kind of pyramidal affair, and similar facts, that of course they always expected. No change of human nature implied. And so, in other words, the question is now narrowed down to this. Does Cicero say the best regime is necessarily actual? That would be a radical break. Because it is understood by Plato and Aristotle that it is not necessarily actual; its actualization depends upon conditions which men cannot supply, upon what they called chance, on the coincidence of things the coincidence of which cannot be assumed, though intrinsically possible.

Now the passages regarding this. Let us first read paragraph 3, page 113.

Therefore, following Cato's precedent, my discourse will now go back to "the origin of the Roman People," for I like to make use of his very words. I shall,

however, find my task easier if I place before you a description of our Roman State at its birth, during its growth, at its maturity, and finally in its strong and healthy state, than if I should follow the example of Socrates in Plato's work and myself invent an ideal State of my own.

You see, here he doesn't say more than that it is easier than what Plato did. And why is it easier? In other words, there is no essential difference, only a didactic difference. Why is it easier to present the best regime in the form of the development of our commonwealth rather than to invent one? Well, he appeals in every case to known facts. Everyone knows Roman history. That is the first, then. Now the other statements occur in paragraphs 21 to 22, page 129.

Do you not perceive, then, that by the wisdom of a single man a new people was not simply brought into being and then left like an infant crying in its cradle, but was left already full-grown and almost in the maturity of manhood?

Laelius. We do indeed perceive this, and also that you on your part have entered upon a new style of discussion, one that is nowhere employed in the writings of the Greeks.

Now listen. Now we must listen very carefully, because here a claim to a change, to originality, is explicitly raised. And in what does it consist?

For that eminent Greek, whose works have never been surpassed, began with the assumption of an unoccupied tract of land, so that he might build a State upon it to suit himself. His State may perhaps be an excellent one, but it is quite unsuited to men's actual lives and habits. His successors have discussed the different types of State and their basic principles without presenting any definite example or model. But you, I infer, mean to combine these two methods;

The claim to originality is now stated more precisely. It is a combination of what Plato did with what, say Aristotle did, and others. It remains on the same plane; that is the point. Because after all Aristotle was also a classical political philosopher. Continue.

for you have approached your subject as if you preferred to give the credit for your own discoveries to others rather than, following the example of Socrates in Plato's work, to invent a new State yourself; and in what you have said about the site of your State you are referring to a definite principle the things done by Romulus either by chance or necessity; and, in the third place your discussion does not wander about, but confines itself to a single State.

Alright. What do you say? Where is there a fundamental difference? Where is there an assertion about the necessity of an actualization of the perfect regime? It is pedagogically much more convenient. Of course, with the great premise that this actual regime which you study is the best regime; but as patriotic Romans we have no difficulty to grant that, at least to begin with. And then you see also this strange remark, what he says here: You, Scipio, prefer to ascribe

to others what you yourself found. In plain English, the old Romans didn't even dream of those things, but you, out of your generosity, attribute to them a wisdom which they didn't possess. What they did by chance or by necessity, in the Burkean manner, you idealize consciously by ascribing it as due to wisdom. You see. I would say the Aristotelian/Platonic perspective of the superiority of conscious planning to mere accidental becoming is absolutely maintained. And in addition, of course, it throws some doubt on the simple historical validity of what Scipio says about the Roman republic.

(But you said last time that the belief in natural law and the belief in the theoretical life required the actualization of the best state, whereas . . .)

Oh, no, that I didn't say. Well, I give you a simple proof. Men like Plato and Aristotle led the contemplative life. In which city did they live, at least most of the time.

(Athens.)

And was the Athenian regime, in their opinion, the best regime.

(No.)

No. That I never said. What Plato and Aristotle meant was not more than this. That in the best regime it would be easier for the fit individuals to devote themselves to the contemplative life. Socrates would not have been executed in Plato's perfect city, where the philosophers rule. Socrates would not have condemned himself to death. Do you see? Only that.

(But Cicero didn't live in Athens, Cicero lived in Rome. I agree that Plato and Aristotle didn't believe that the best regime had to be actualized. But what about Cicero.)

Cicero lived in Rome. And he asserts here, not in his own name but through the mouth of Scipio, that the Roman constitution in its old, not yet decayed, form was the best regime. What follows from that? What follows from that regarding the theoretical and practical life? Nothing, I would say. But the question with which we are concerned is, is this a happy accident that the best regime was actualized in Rome. This was very good for Cicero. If he had lived in the olden times when it was still unimpaired. Or is there an intrinsic necessity for that? Now to understand this latter point I give you . . . think forward toward Hegel, according to which there is an intrinsic necessity in political life, say in ancient China or wherever you would start, that if people would only . . .

(End of reel; a few sentences were lost in the course of changing the reel.)

. . . for no pre-Hegelian philosopher was that so. Do you see what I mean? There was an intrinsic . . . Or you can also say this. The Hegelian notion was this. I mean, grossly distorted. If that is the ideal (drawing on blackboard) and that is the real, they must converge. The older notion could be presented by this picture. Two parallel lines, with a possibility at some point or another of their coming together. I would not be able to give a simple mathematical expression of that, but that is the idea. There is no question of a necessary convergence. Burke does not say there is a necessary convergence, but Burke comes close to that. Burke would say that this would necessarily happen if humans wouldn't interfere with the organic process of growth. He doesn't say so, but he comes close to saying so. Hegel says, even if they interfere they can't stop that progress in which the ideal and the real necessarily come together. And that is what our contemporaries in the East say in a

modified way today. You can't stop it.

(Inaudible . . . that all the wise men who helped make Rome, who contributed to making Rome the best regime, is it ultimately accidental that they were not contemporaries, or that they were not one man?)

Yes, I think he would say that. But you see the difficulty, here in this passage which we read, although I did not emphasize it, where he says, Scipio says that at the death of Romulus this was already practically finished. Do you remember that? No, there would be no essential (inaudible).

There is one more passage which we have to consider in this context, and then I will leave it at that. That is at the end of paragraph 33, page 141.

(Scipio or Laelius?)

Laelius, at the bottom of the page.

Truly a praiseworthy king! But the history of Rome is indeed obscure if we know who this king's mother was, but are ignorant of his father's name!

Scipio. That is true; but of that period very little more than the names of the kings has been handed down to us with any definiteness.

In other words, this gives an indication of the fact that the truth of the bestness of Rome is not based throughout on solid factual information. That only in passing. On the contrary, as the reader of today's paper showed, if one reads the account of the genesis of the Roman state more judiciously, one sees all kinds of doubts which Cicero has of the perfection of that order. But as a sensible man he simply saw that it was of no use to broadcast that, because the Roman empire is here to stay, and let us make the best of it. And let us inject, as it were, retroactively, some justice which was not forthcoming in the earlier period. That is what you meant?

(Yes.)

(I am confused about one point. When Cicero cites Rome as the best regime, does he mean this simply as an example of the best regime, or does he mean that Rome and no other state is this regime?)

No. How could he do that? It could only be a specimen. Maybe the only specimen known to him. But that is all accidental. Intrinsically, the possibility of "n" such regimes must be seen. Good.

I hope this point is now clear. That there is no question of a necessary actualization of the ideal. No question. And it is only the assertion, which is perfectly compatible with Plato and Aristotle and which is explicitly made, if ironically, by Plato, namely that the best regime was actual in ancient Athens. Why could it not be somewhere, and so on? There is no question. I think the temptation to read Burke into Cicero is very great. Burke did not know this book. That's a fantastic thing. But he did not know that. But he knew, of course, the other writings of Cicero. And in a way Cicero was Burke's model. You know. The highly educated statesman, who, against the popular crudeness, defends justice. And especially I am sure that Burke, when he undertook these actions against Warren

Hastings, was thinking all the time of Cicero taking action against the Roman proconsul called Verres in Sicily. I don't remember now whether he does not even explicitly refer to Verres in his speeches against Warren Hastings. Well, when you read people writing about British parliamentary eloquence, Burke is, of course, absolutely outstanding. Burke/Cicero/Demosthenes. They go together, and particularly Burke and Cicero. And the temptation is very great to say that Cicero did in Rome what Burke did in England. But this temptation must be resisted. I give you only one little example. However highly one may think of Burke, Burke was not a theoretical man. He wrote only one theoretical writing. All his writings were practical writings or pamphlets, with a view to a specific action here and now. The Reflections on the Revolution in France and all the other things. The only theoretical writing which he wrote was before the beginning of his political career, or at its beginning, this On the Sublime and Beautiful. An aesthetic treatise which has hardly any connection with his political activity and political writings and speeches. And furthermore when Burke speaks of theory and of speculation, there is almost always a tone of contempt. And Cicero, his books are, so to speak, all theoretical books, either philosophic writings—as the majority—or writings on the art of rhetoric. And Cicero's political writings are his speeches, his orations. Cicero was much more concerned with theory; and one could say Cicero's merit is not exhausted by any means by his political activities and political reasoning. Cicero is the man who made Rome a home for philosophy. No one could say that Burke made England a home for philosophy; no one in his sense I would suggest. No, no, the two men are entirely . . . There is a certain interesting kinship, which does great credit to Burke, but one cannot say more.

(You commented about Cicero's theoretical writings. It strikes me that the Republic is written largely as a . . . inaudible . . . of Rome and that this to some extent . . . inaudible . . . the noble lie . . . inaudible . . .)

Yes, but that applies I believe to all political writings. That there is some such contemporary reference in every work. But let us take the Republic as a theoretical work. I ask you to produce a similar book by Burke which has this sustained theoretical character which the Republic possesses. But, above all, show me the Offices, show me the On the Nature of the Gods, and On Divination, and the Tusculan Disputations of Burke. They don't exist. There is no question about that. I think Burke deserves very high admiration, but one must also not over do that in an idolatrous way.

Good. We have to leave it at that. Next time we will have a discussion of the bulk of book two and three.
(End of seminar.)

... Now where should we begin. I think we begin with paragraph 4. I shall not repeat what we said last time because this subject may come up again. Now the point which we did not discuss last time was how far is Scipio's report of the Roman society, the Roman state, proof of the justice and the goodness of the Roman state. Now let us begin with paragraph 4, where we get the first evidence for that. That is on page 113 in your edition.

When all had signified their approval, he continued: What State's origin is so famous or so well known to all men as the foundation of this city by Romulus? He was the son of Mars (for we may grant that much of the popular tradition, especially as it is not only very ancient, but has been wisely handed down by our ancestors, who desired that those who have deserved well of the commonwealth should be deemed actual descendants of the gods, as well as endowed with godlike qualities), and after his birth they say that Amulius, the Alban king, fearing the overthrow of his own royal power, ordered him, with his brother Remus, to be exposed on the banks of the Tiber. There he was suckled by a wild beast from the forest, and was rescued by shepherds, who brought him up to the life and labours of the countryside. And when he grew up, we are told, he was so far superior to his companions in bodily strength and boldness of spirit that all who then lived in the rural district where our city now stands were willing and glad to be ruled by him. After becoming the leader of such forces as these (to turn now from fable to fact), we are informed that with their assistance he overthrew Alba Longa, a strong and powerful city for those times, and put King Amulius to death.

Now, let us stop here. That is, I think, characteristic of Cicero's procedure. He first presents the story of the divine origin of Romulus, the son of the god of war, and then at the end of this paragraph. . . He speaks of what is known to all men, an indubitable fact, and then at the end of the paragraph he says, let's turn from fable to fact. But that doesn't come out clearly in the translation. He translated "We are informed"; in Latin it is "fetur" which means also "It is told". In an anonymous way. That is, of course, also not fact, and not meant to be fact. That is important for the understanding the whole account of the origins of Rome and the development of the Roman constitution. That is a deliberate idealization. But since we are concerned, however, with the real Roman constitution, and that it is so just and has come about in a just way, that idealisation of the fact is tantamount to a denial that it factually arose in a just manner. That was stated very clearly in the paper last time, but still we have to watch that.

In paragraph 5 there is . . . Well, we cannot read the whole thing, so read the beginning of paragraph 5.

After doing this glorious deed he conceived the plan, it is said, of founding a new city, if favourable auspices were obtained, and of establishing a commonwealth. As regards the site of his city--a matter which calls for the most careful foresight on the part of one who hopes to plant a commonwealth that will endure--he made an

incredibly wise choice.

You see, again "dicitur", it is said. That is also a mere report. And Romulus is presented as such a wise founder, who made these choices with indescribable wisdom. Later on, in a passage which we read last time, in paragraph 22, (page 131) Laelius says that Scipio attributes to others what he himself has found out for himself, and he ascribes to reason and planning what Romulus had done by accident or under the pressure of necessity. So it is a deliberate idealization of the origins of Rome.)

We turn to paragraph 13-14, page 123, where the story of the Titus Tatius, the Sabine king is told, and where it is explicitly said in the Latin, not in the translation, that Titus Tatius was murdered. Here, the translator, uses the delicate expression, after the death of Titus Tatius. It could, of course, have been a natural death, but he was murdered. Now what happened? Let us read this paragraph 14.

But after the death of Tatius, when all the powers of government reverted to Romulus, although Tatius had been associated with him when he chose a royal council consisting of the most eminent men (who were called "Fathers" on account of the affection felt for them), and when he divided the people into three tribes (named after himself, after Tatius, and after his ally Lucumo, who had been killed in the Sabine War), and also into thirty curiae (which he named after the stolen Sabine maidens who had pleaded for a treaty of peace)—although these arrangements had been made during the lifetime of Tatius, yet after this king's death Romulus had paid even greater deference in his conduct of the government to the influence and advice of the Fathers.

You see, that is a somewhat shocking suggestion. Do you get it? Why did Tatius, Romulus that is, defer to the Senate after the murder of Tatius. Do you remember? Or is this another example? No, that may have been one of the later Roman kings, where also such an unfortunate accident happened, that a king was killed. And his successor was suspected of having been responsible. Was this a later king? I don't know at the moment.

(I believe so.)

Then we will come to that.

Paragraph 17. Would you read that.

And after Romulus had reigned thirty-seven years, and established those two excellent foundations of our commonwealth, the auspices and the senate, his great achievements led to the belief that, when he disappeared during a sudden darkening of the sun, he had been added to the number of the gods; indeed such an opinion could never have gotten abroad about any human being save a man pre-eminently renowned for virtue.

Here the question arises, of course, what about this deification of Romulus? Is this presented as a fact or as a fable. Now in the sequel, Scipio emphasizes (paragraph 18-19) that it was a fact. Because at that time Rome was so highly civilized that superstitious stories would not have found credence. You remember that?

And this is taken up in paragraph 20, where he gives some further evidence. Read paragraph 20 (page 129).

his grandson through his daughter, as some said. In the very year of his death, in the fifty-sixth Olympiad, Simonides was born, so that it is easy to see that the period in which the story of Romulus' immortality gained credence was one in which human life had become a matter of old experience, and men had already reflected upon it and ascertained its nature. And yet certainly there was in Romulus such conspicuous ability that men believed about him, on the authority of that untutored peasant Proculus Julius, that which for many ages before they had not believed about any human being.

You see, he has just turned this around. In the old age they did not believe this kind of thing, but with the increase in literacy they did believe in this kind of thing. And the authority was an untutored peasant. And what did he do?

For we are told that this Proculus, at the instigation of the senators, who wanted to free themselves from all suspicion in regard to Romulus' death, stated before a public assembly that he had seen Romulus on the hill now called Quirinal; and that Romulus had charged him to ask the people to build him a shrine on that hill, as he was now a god and was called Quirinus.

In the first place, what proof exists for this deification of Romulus? A mere report—"fertur". Well, some rustic claimed to have seen Romulus. But, in addition, this rustic didn't do it merely on the basis of his own seeing, but was instigated by the senators, who were afraid that they might be accused of the death of Romulus. For all we know, there may have been some fire, some fire accompanying this smoke. I want to show these things to you only because this throws light on Cicero's very ironical treatment of Roman history.

In paragraph 23 Scipio explicitly speaks of the enmity between the first Roman king and the senators, so this possibility—that Romulus might have fallen victim to this hostility—is by no means excluded.

Two more passages. At the end of paragraph 24 (page 133), the last sentence of the first paragraph.

Yet our ancestors, rustics though they even then were, saw that kingly virtue and wisdom, not royal ancestry, were the qualities to be sought.

So, in other words, they were not so highly educated at that time. And then the beginning of paragraph 34 (page 143, top).

Still it was at this time that the commonwealth appears first to have become familiar with an alien system of education.

That is to say, with Greek things. You know, Homer and all the other magnitudes who were mentioned originally as perfectly well known in Romulus' time, that was not quite so. This much about this matter.

Page 21 (bottom, page 129) should also be considered, with a

view to the fact that Cicero had said, as you remember, that a city or commonwealth founded by a series of men in different ages is superior to a commonwealth founded at one stroke by a single man. That is somewhat differently expressed in paragraph 21.

Do you not perceive then, that by the wisdom of a single man a new people was not simply brought into being and then left like an infant crying in its cradle, but was left already full-grown and almost in the maturity of manhood?

You see. In other words, while Cicero surely meant that, and we have no reason to doubt this, if you have a series of continuous founders, a sequence of statesmen in different ages, that is capable of higher wisdom than any individual however wise, he has no objection to that. Or, to come back to the question which we discussed last time, for Burke, what he calls a fabricated commonwealth is simply preposterous; for Cicero it is not. It could very well be. It might be inferior to others, where a sequence of wise men followed one another throughout the ages. But there is nothing wrong with a constitution devised at a given time by one man or, say, a group of contemporaries. You know, like the founding fathers of this country. He has no objection to that. It is a question whether it is not inferior to such a sequence. But there is nothing fundamentally wrong with the idea of a commonwealth coming out of the heads of a single wise man or a single group of wise men at any given time.

(I was going to say . . . I agree with you, but it seems that this could be interpreted exactly the opposite, on the basis of irony. That this immediately follows the fable and the untutored peasant.)

Sure. I have nothing against that. But still, it shows that if Cicero had regarded this as utterly vicious, this possibility, he would not even have said it ironically and on the surface. If I remember, it was not a part of Cicero's political message that fabricated commonwealths as such are bad, as it was surely the main point of Burke's message, at least after the French Revolution. Do you remember that issue which we discussed last time? Because very much depends on that.

(I would like to cloud the issue of the difference between Burke and Cicero. Burke was complaining on the occasion that the whole . . . inaudible . . . was being remade with the charter. Did Burke admit that a new colony, like the Massachusetts Bay Colony, ought to be founded with a charter instead of . . .)

Yes, now that was something else. That was simply an establishment which at least could have incorporated the whole wisdom of the ages accumulated in England. That is a different story.

(Isn't that what is done here, with the colony in the Laws or the founding of Rome, by people from other states.)

Well, in the first place, the colonies, at least as distinguished from the Greek colonies, the American colonies were not independent states. You know, when a Greek city sent out a colony, this became an independent polis, which had only certain obligations of gratitude and so on. But in this case they remained subject to the British crown, as you may remember. And therefore this was simply an establishment embodying, in the best case, the wisdom of the

ages as it had developed in England for more than a millenium. And after the War of Independence, and especially after the American Constitution was made, that was a new society. Now that this continued old traditions, and that it is easy to say that very little change was involved—only elected governors took the place of the appointed governors, but otherwise it remained the same—you must have heard this. Today that is particularly fashionable. But the question is whether this was entirely the way in which all the founding fathers understood it. Whether the transition from a monarchy to a republic is such a little change, as it is sometimes presented. After all, the great event is still called the American Revolution, and which meant much more than a mere war and a mere declaration of independence. Because this Declaration of Independence was based on principles which permitted of radical change going much beyond what Burke said. In practice all these things become blurred very easily, and very reasonably. The issue is clear only if it is stated in theoretical terms. On the one hand you have the assertion that all wisdom must be inherited, and on the other that there is no necessity for wisdom being inherited. You know? All wisdom is an acquisition of the ages, and the other asserts wisdom is not essentially an acquisition of the ages. Take an extreme version. Marcus Aurelius, who said that a man of forty years, living almost at any time, no matter where it was, could have learned by his own experience everything a man could ever learn about man and human affairs. That goes much beyond what Plato and Aristotle would say. They would say that it does make a difference whether he lives among the Eskimos or whether he lives in Athens. But still, it is useful as an extreme position. The other statement is this, that only the long continuity of many, many generations can give a man, however wise, that wisdom which is required for a statesman. Last time I tried to state this issue in connection with other passages. We come to certain passages of the same nature.

Now let me see: In paragraph 24, he speaks of the difference between Rome and Sparta. Lycurgus committed an error by admitting an hereditary kingship, and this error was avoided in Rome. The kings were all elected from the very beginning. Now you see here that this is interesting. Lycurgus was the sole founder of Sparta, according to the view accepted by Cicero. Rome did not have a sole founder. But is this superiority of Rome regarding non-hereditary kings in any way connected with the wisdom of the ages? That was done by the Romans right at the very beginning. Do you understand the issue? If Cicero's doctrine were literally true, then all the superiorities of Rome to any other society, and hence in particular to Sparta, would have to be connected with the fact that Sparta was founded at one stroke and Rome was founded in the course of centuries.

Do you see that? Sparta was always taken, in the broad classical discussions, as the best of the available commonwealths. That is so in Plato and in Aristotle, as the best of all those available. Therefore the competitor with Rome for the crown of political goodness was Sparta. And that is the simple state of the discussion at this time. And here we find Rome superior to Sparta in a point of importance—no hereditary king at all. Hereditary kings through-

out the ages in Sparta. But, as I say, there is no connection between that and the methodological principle—one act or a sequence of founding acts. You had a question?

(I'm not sure. Might not the difference be in the historical . . . inaudible . . . wait until the situation arises and decide the particular issue on the basis of the alternatives at hand, whereas in . . . inaudible . . . try to decide everything in the abstract without having the issues at hand.)

Yes. Well, to decide practical issues on the basis of the particular circumstances, that is the demand of prudence. And that was, in pre-modern times at any rate, always taken for granted. But the question is . . . I mean, that goes without saying. A particular case must be settled on the basis of the circumstances of the time, which can be known fully only at the time, and not in advance. But it is not quite as simple, as is shown first by law. Laws are meant to be, or were meant to be in former times, to be valid for a very long time. Because even if a change of a law might be wise, because circumstances have changed, change of law as such was regarded as an unsettling thing. And therefore the burden of proof rested with him who suggested change, not with him who suggested the preservation of the law. But the more important and broader consideration is this. In order to handle situations wisely, you must have taken precautions, or you must have made provision that people will be around who can handle the situation wisely and that they will be in control. That is to say, the constitution as a whole. And as far as this constitution is concerned, the notion was, of course, that permanence here is absolutely essential. As little change as possible. So that you have a ruling group, who are trained from their very childhood in broad political responsibility. Think of children who grow up in families who have been leading families in the country for generations. You know, that gives a better background of political education, both intellectual and moral, than if one does not have such a background. Where the family tradition is in a way the political tradition of the country. You know. We have forgotten that completely in modern democracies, but that was very powerful in the past, especially in the classical writers—the crucial importance of permanence. That is clear. The actual decision in a given case can only depend on the circumstances at the time. You cannot say whether a war should be waged two hundred years from now against such and such a country. Obviously not. You don't know whether the country will exist then.

(No, but even more he might be saying that in the promulgation of a general law the exercise of prudence, making one law at a time, when the need for them arises, is better than, will result in greater wisdom than, in having one man lay them all down at one time.)

Yes, but the question is then also that of harmony. If you do that, if you make laws as the situation arises, and as to what seems best in the circumstances, and you do it regarding one matter. Then regarding another matter, thirty years from now, you make another one. The question is whether they will truly fit, and whether there will be a harmonious legislation. You must never forget that legislation was meant to be in ancient times not merely technical but was almost meant to have an educational purpose, you know, preserving a certain spirit of the community.

(I am not denying that there is a problem. I am just trying to find out what Cicero's position on that is.)

Well, I think one can say this. Prudence in the strict sense, in the narrow sense, has to do with what is happening and what should be done here and now. And that, of course, can only be decided here and now. Every action takes place in certain circumstances. These circumstances are not known prior to the emergence of the circumstances. That is clear. But there are certain things which transcend the circumstances of the moment, and that is the polity or the regime as a whole. And also at least the basic laws, you know, which give the society its character. That is the question. And also the difference is of course this. We think of laws as something which can be and should be very easily changed. But that is done, however, with the understanding, even today, of some permanence. Well, modern man has invented the distinction between laws and constitutional laws. The one can easily be changed; the other can only be changed with very great difficulty. That is one way of doing that. This didn't exist in ancient times. Because they conceived of the relation between laws and the constitution as much closer than we do. When you study Aristotle's Politics, you will see this very clearly. That, for example, in a democracy the question must always be raised, is this a democratic law. The fact that it has been established in a democratic manner, say by majority vote, does not yet make it a democratic law. The majority can be fooled about what it should wish. The permanence rests here in the notion of the regime. And while democracy is, I believe, as it is now is not quite as old as the American Constitution itself—you know, some people say Jackson, or wherever the point is to be placed—it certainly lasts much longer than any particular administration and any particular set of circumstances. But if there is such a permanence of the regime, there exists the possibility, there is implied the possibility that someone who understands the essence of the regime should have laid down its framework, and the essential laws supporting that framework at a given time without any change. At least one must think this through fully for one's self. It is difficult to understand for us because the notion of progress, which means, when applied to democracy, a democracy which becomes ever more democratic. Think of the status of women, for example, which was not provided for by the original plan of democracy for this country, the equality of women. Still, there is a limit to that. Now let us assume that you have full democracy regarding the two sexes. You can say, well, a man who is old enough to fight is old enough to vote. As the President has said. And say that is more democratic to have the voting age down to 18. But I don't believe you can bring it down to twelve, although there may be people, god knows . . . But there is a certain limit where further progress in this direction ceases to make sense. Now if there are definite limits, even of the most democratic society, then whatever is limited is susceptible of being stated finally at a given time. That is all which is required in that. Is this clear? I mean, in any notion of change, you know when you read people like John Dewey, if you look more closely they can't get through with that. I mean, for example, if someone would say, we can have a democracy without . . . and the whole idea of elections might be abolished. I think that would be absurd. You know? What would this mean, if you are ruled, governed by people who have not been elected? Some details of the electoral law might be changed, but the basic idea that the man must be responsible to the people,

that he must be elected officially, cannot be abandoned without abandoning democracy. In the moment you replace elected officials by technocrats you change the democracy into technocracy. And the great confusion that you say the concern is not the democratic machinery but the democratic ends—the commonwealth, but in that moment, of course, you cease to be a democrat. When you say I want the greatest public welfare regardless by what means, then you can also resurrect Henry VIII.

(Can I try to clarify what has been said here. In regard to the specific point that Scipio is making here, about this being an act that the Romans did at the start, are you saying that this contradicts Cicero's general principle?)

This remark that we just read?

(Yes.)

No, I don't believe that it contradicts it, but it surely shows that Cicero had no objections in principle to the idea of one man, a wise legislator at the beginning laying down the whole blueprint for the whole society. He only thinks that it is likely to be inferior to a blueprint which emerges in a sequence of generations, providing there are wise men always who contribute their share to its improvement.

(On what principle do wise men in a sequence like this undertake the change? . . . inaudible . . . each specific change.)

For example, the Romans felt to begin with that there should be a king. A commander of the army in war and the peak of the magistracy in peace. That this should coincide. Then they met the experience of the degeneration of kingship into tyranny, and then they abolished kingship and introduced instead the two consuls. There must be some monarchic head, especially with a view to wars. But by splitting it into two consuls they thought they had the minimum requirements, one leader of an army at a given time, and at the same time not all the military power concentrated, because there was another consul, and this kind of thing. The question is . . . Let us assume men at the very beginning, without any political experience. They surely would not have been able to foresee all these things. That is what you are driving at? Now what Plato and Aristotle, for example, assume is this—that after people have lived for some centuries in cities, not merely rustics, then all the typical experiences have been made. So they can be reduced to principles and then we can state something final about that. I think that is also Cicero's view, and therefore Laelius can later on say to Scipio that he attributes to these older men, that they have done wisely what as a matter of fact happened only in response to accidents. And that, I believe, is the great difference between modern man and the ancients, that we have been brought up to believe that there is no end of new experience. You know? And, to some extent that is, of course, true. For example, who knew anything of a technological society and of a modern democracy. Don't forget that until the American experiment succeeded, say sometime in the 19th century, the case for a large democracy was unsupported. Athens, that was a city; 20,000 citizens or so; I have forgotten the exact number. One doesn't know the exact number, but that is an estimate. Where did you find a democracy? Tribes, sure. Uncivilized. Or, if civilized, only cities. Where did you find a large state, like France, as a democracy? Or even a republic? It didn't exist.

The Dutch? But that was a very small thing, consisting of eleven or how many united provinces, where the real unit was in (inaudible) province. That was a very imperfect union compared with the United States. The United States was the first proof that you can have a large state which is republican, and even democratic. And after that other things have proved to be possible which had been regarded as absolutely impossible. A famous example is that of the public debt, which was regarded when it came up as an absolutely impossible thing. Well, you know that the thing is still controversial up to the present day. But I remember the nice discussion in Macaulay's History of England, when he proudly showed that the ever-increasing public debt was a sign of ever-increasing public prosperity—and the old fogies were completely refuted. You know, there has been some reaction from time to time against that. But generally, to come back to the principle, modern man is more inclined to believe in the possibility of ever-new inventions, political inventions, than the ancients were. That is the great difficulty which we have to overcome. Now in order to understand that issue it becomes important to see the subtle differences between that ancient writer who seems to come closest to the modern view and that modern writer, on the other hand, who seems to have stated this principle most clearly at a fairly early date, Cicero and Burke, in other words. That is the reason why this issue is of some importance.

(Is there any major issue, then, in their attitude toward history between Cicero and Plato and Aristotle?)

Yes, that is of course a very long question. How shall I . . . One would have to break it up in order to make it susceptible to discussion. Surely such a thing as the Roman empire was greatly different from the political organizations which Plato and Aristotle knew. When Alexander the Great made something which was no longer. . . No, for Plato and Aristotle the situation was very simple. You have three types of organization: the tribe, free but savage; the Eastern despotism, say the Persian empire, civilized but unfree; civilization and freedom together only in the polis. He does not mean that the polis could not be ruled temporarily by tyrants. Of course it could. But in its nature it was opposed to this possibility. Is this clear? Now, when Alexander came, and conquered the East, and established this Macedonian Empire, Aristotle was opposed to it. Aristotle didn't like it at all. What was Aristotle's thought? Without looking at any recondite reports, one can state it as follows. You can't have civilization and freedom combined in such a large thing. We begin to understand it again because we have this problem of these terrific agglomerations of population, the problem of the urban and municipal societies today. This of course reminds us of the fact that their preoccupation with size was not merely aesthetic, because they wanted to have something which can be overlooked from one hill. You know. Secondly, Aristotle would have said, look what happened to that beastly thing. After Alexander's death it split into parts and you got four despotism fatal to any public spirit. Only they were speaking Greek now, and they had their courtiers or orators or physicians around them who continued the tradition of Greek science; but what is now called Alexandrianism—a kind of mere scholarship, without elevation—that was the pride they paid. But Rome was a different story. Because, in the first place, the

the Roman empire worked much more than the Hellenistic state worked. Of course they got into very great troubles, as you know, the civil wars which lasted for a century or so, and then you got Augustus. But that was after Cicero's time. And Cicero was writing with this view in mind. There had been a very great and healthy Rome. And that is praised here by Scipio. That was already a hundred years before Cicero. And Scipio was thinking back even beyond that. It is difficult to say where Scipio stops because this book is fragmentary. But I think he doesn't go much beyond the moment when the power of the plebs was clearly recognized, say about the third century. I don't believe he went so far, but that would be the maximum. So from a certain moment on the thing became too big. But Cicero has no choice. Rome is there. This tremendous empire. And you have to make the best of it. And that is what Cicero is trying to do. And part of that is, of course, done in the Republic, although we can no longer trace it clearly because of the fragmentary character of the book. Cicero may very well have thought, for all we know, that this has come about by some mixture of chance, errors, and sometimes also wise decisions, with which he has to live. And so obviously he tries to make the best of it. But let us assume that other Romans of that time might have said, No, the Roman empire, by giving peace to the whole Mediterranean area, the whole inhabited world, bringing it all under one rulership, has brought about a higher state of political orientation than the polis. Then theoretically that would mean they would have to show cause why such an empire, ruled from one city, is really politically superior to a confederacy of free and independent cities. That is a long question, which is still discussed very seriously by Montesquieu in his Spirit of the Laws. Because Montesquieu has understood the classical position very well. And then he raises the question, can you go beyond the city to a larger unit, and what are the good reasons in favor of this. And very obviously, against smallness, is the necessity of defence. Say a state like France can defend itself, other things being equal, more easily than a city-state. To which Montesquieu replies, yes, that is alright, but that you can get by a very strict confederacy of sovereign cities. And he gave all kinds of examples from ancient times, especially the Lycean confederation, which was then referred to by the Federalist Papers as a model of such a republic. A confederacy of cities which could then cover a large territory. And the federalists in the French Revolution had this notion of France. You know. A confederacy of smaller regions which, by the smallness of the elements, would guarantee the freedom which they sought. And the confederacy would guarantee the possibility of defence of this united people. So, in other words, what we take today for granted, the large unit, say the nation state as distinguished from the city state, that was a problem in the past. And only the American experience seemed to prove, and then later on also the experience of France to some extent, and even of Great Britain. Great Britain was formerly, and I believe that Churchill thinks it still is today, a monarchy. But clearly this country was the great example of a large scale republic which combined civilization and freedom and is not limited to the dimensions of a city. And then, of course, you must go beyond that if you want to get the notion

straight. What about the possibility of a universal society? You know, a world state? Surely. But these issues were thought through from the very beginning. The answers were usually different from ours, either because they were more fearful or because they were wiser.

(May I ask one more question. Presumably Plato and Aristotle would say that it was more likely that you would be able to set up the best state, by fiat of some kind, if at one point you gave one man the chance to put the ideals into existence than by history.)

History would simply mean that which just happens from time to time in response to accidents. It seemed to them fantastic that the product of mere accident should be superior in wisdom to the product of wise planning of an individual or of a group. The latter is a secondary question. Sure. But does it not make sense, up to this point? And that this claim that a sequence of accidents should produce something wise is, to begin with, very unreasonable. Burke tries to get it in by identifying this sequence of accidents with divine providence. But there have been people who believed in divine providence prior to Burke, and were better theologians perhaps, who did not see the necessity of this consequence at all. Burke's thing has much more to do, I believe, with Adam Smith's notion. You know. Everyone thinking of himself as the best condition of the wisest result for the common good. Traditionally, everyone would have said, what do you mean?—I should, in my actions, not think of the common good, and by this very fact act most conducively to the common good? How absurd! Now Burke applies to politics on the largest scale, I mean to the broad pattern, what Adam Smith had said of the economic sphere.

(But what is Cicero's position? He says that . . . Well, you state it, I'm not sure of it anymore.)

Cicero says that it is more likely that a sequence of wise men, in different ages, would by their cooperation spread through the ages bring about a wiser thing than any wise man living at any one time.

(But you raised the point before that you have to have a society which produces wise men before you have these wise men. Plato and Aristotle would presumably say that you wouldn't have this series of wise men unless this good society has. . .)

No, no. You don't have to have a good society for that. You have to have a reasonably civilized society with some political experience. What I am concerned with is only this. Given the amazing proximity of what Cicero seems to say to what Burke says, it is all the more important to understand the subtle but decisive difference. Cicero is still on the old side, on the ancient's side of this issue, and Burke is on the modern side.

(May I ask precisely what Cicero wanted to accomplish by having Laelius say to Scipio that he only attributes to these men wisdom.) Only to draw the attention of the attentive reader to the fact that he understood that Scipio's statement is fictitious. You know. That Scipio deliberately idealized, that is to say, also falsified, the Roman past in order to bring out this important point, in which Cicero agrees with Plato and Aristotle, that it is not to be expected really that a mere sequence of uncoordinated responses to circumstances would bring about a wise pattern. In other words,

Romulus was not a wise man in the highest sense. Romulus was, though god knows we know very little about him, a shrewd fellow somehow, who acted shrewdly in the circumstances, but who founded Rome somewhat away from the coast not because he had deeply reflected on the defects of maritime cities but because he couldn't do it. And Scipio attributes to him that wisdom which Romulus completely lacked. In other words, there was not a sequence of wise men here at the beginning. It so happened, fortunately for Rome, that the sequence of these actions made at different times finally led to a tolerably good state. That he would admit. That the old Roman constitution as it existed, say at the time of the Second Punic War, when Rome succeeded in defeating Carthage, was a good constitution. But it was not brought about by wisdom. And that this Rome, brought about more by chance than wisdom, should have become the most powerful state in the whole Mediterranean does not yet prove the superiority of chance to wisdom. That was also a matter of chance that it worked out that way. I think that is what he is driving at.

(Well what about the mixed regime and the problem of justice?)

[The mixed regime is understood here as the just regime, because it gives each part its due. A just solution can be brought about even in private life by an unjust man, if they are sufficiently balanced in power. The solution by which they may abide might be the just solution.

(Could we turn now to what he says about . . .)

(End of reel; a few sentences were lost in the course of changing the reel.)

. . . The mixed regime, yes. What is the question which you have in mind, regarding the mixed regime.

(Well, I have a lot of questions in mind, particularly in regard to the balance between book two and book three.)

Alright, perhaps we take this up and then return to other passages in the second book. Now let us first look at the transition. But one point I think we must discuss before we go on. That is paragraph 52, beginning. That is one of the most interesting remarks ever made about Plato's Republic, and that throws light also on Cicero's Republic.

Plato has sought for and has created a State of a kind that is to be desired rather than hoped for—one of the smallest size, not such as to be actually possible, but in which it might be possible to see the workings of his theory of the State.

That is, of course, an abominable translation-- "but in which the ratio rerum civilium could be seen." We could translate this better, although not literally, "in which the nature of political things could be understood." Ratio, that is the essential character, the essence, of this natural, of these political things. So Plato did not write the Republic in order to show a polis that is truly possible politically. In this exaggeration, and through this exaggeration, we should then be able to understand better than in any other way the nature of political things. Now how does he go on.

As for me, however, I shall endeavour, if I am able to accomplish my purpose, employing the same principles which Plato discerned, yet taking no shadowy common-wealth of the imagination, but a real and very powerful State, to seem to you to be pointing out, as with a demonstrating rod, the causes of every political good and ill.

You see, Cicero could not express more strongly that his principles are the same as those of Plato—there is no fundamental difference; the difference as appears here is this. He uses ironically, I believe, a Platonic passage. Why did Plato write his Republic or Socrates present the argument there in the way he does. Do you remember that? The question is justice. And then Socrates says that since the city is man written large, in order to know justice he will not look at the just man but at the just city. Because man is a tiny thing, and the city is very big. And Cicero says, well Plato's republic is very small; now we take the biggest thing, the Roman Empire, and there we should be able to see justice in the greatest possible way. That is very nice. And with a demonstrating rod, with a very large map, he can point out justice. We can leave it at that.

And there was one more passage which was made much of by the reader of the paper last time, paragraph 57. In the preceding paragraph Scipio had spoken of the transformation of aristocracy into the mixed regime. Having praised the aristocracy of old Rome in the highest possible terms, he comes now to the transition from that aristocracy into a mixed regime.

But after a short period, in about the sixteenth year of the republic, in the consulship of Postumus Cominius and Spurius Cassius, an event occurred which in the nature of things was bound to happen: the people, freed from the domination of kings, claimed a somewhat greater measure of rights. Such a claim may have been unreasonable, but the essential nature of the commonwealth often defeats reason.

In other words, the old aristocracy, the rule of a highly bred and responsible upper class, which was not superior, according to Scipio, in wealth to the plebians, and which was even inferior to the lower class in pleasure—because they lived a hard life of public responsibility, this was transformed into a somewhat more democratic order, because of the demands of the common people. These demands could not be resisted, because they were so powerful. But it was, perhaps, an unreasonable demand. Because these people were better off ruled by the patricians than if they had the power themselves. And here the principle is stated that the very nature of political things frequently defeats reason. And to some extent this has happened in Rome itself. That is, of course, a very important passage regarding the issue of justice. If we assume that the demands of justice are the demands of reason, it means an admixture of injustice, i.e. of concession to unjust demands, is politically inevitable.

Now the formal transition to the subject of justice is made at the end of the book (chapters 43-44) which we should read (page 183). so also is a State made harmonious by agreement among dissimilar elements, brought about by a fair and reasonable blending together of the upper, middle, and lower classes, just as if they were musical tones. What the musicians call harmony in song is concord in a State, the strongest and best bond of permanent union in any commonwealth; and such concord can never be brought

about without the aid of justice.

And then the next speech of Scipio.

I agree with you, and wish to assure you that we must consider all the statements we have made so far about the commonwealth as amounting to nothing, and must admit that we have no basis whatever for further progress, unless we can not merely disprove the contention that a government cannot be carried on without injustice, but are also able to prove positively that it cannot be carried on without the strictest justice.

And that ends the discussion of the first day. The first two books, you remember, each two books cover the discussion of a single day. This is the transition.

Now let us first clarify the relationship between Cicero's Republic and Plato's Republic in order to understand Cicero better. In Plato's Republic the case against justice is stated at the beginning, in the first book and the beginning of the second book. In Cicero's Republic, the case against justice is stated in or near the center, the third book by Philus. What does this mean? In Plato's Republic the conversation takes place with people who are not actual statesmen. For one reason or the other they are not actual statesmen. In Cicero the conversation takes place among outstanding statesmen. In Plato's Republic the consequence is that they arrive at the best regime in speech, that is to say, a best regime which exists only in speech, only in a blueprint, not in deed. In Cicero's Republic they find the best regime in deed. It is obvious, in front of them, the Roman republic. The implication of the procedure in Plato's Republic is that no actual regime is just. That is the reason why Socrates has to found it in speech, so that they can see what a just regime looks like. Now how does this tie in with what you said last time about the relation of the two books? You stated it differently, but did you state the same thing only with different words? Or was there something which I missed?

(I said about the same.)

Now you see, the question—what is justice—does not arise here because they are patriotic Romans and take their Roman state, as a matter of course, as a substantially decent, i.e. just, society. This question is answered by Scipio. He gives this survey. And then, of course, if we read this survey of Roman history carefully, we see that some injustice has been committed by ancient Rome. You see, Rome acquired that empire, as Scipio says on one occasion, only by the Romans always helping their allies. And at the end of it they ruled the whole Mediterranean world. Now you can be very simple, and say that neither Cicero nor Scipio found any difficulties with that, but you can also say that Cicero was not a simpleton and he knew that this conceals a real problem. Then, therefore, on a basis of the understanding of Roman history, the question of justice arises. Whereas in Plato's Republic, in the notoriously imperfect Athenian democracy, the question of justice is present right at the very beginning. Because these gentlemen—well, like some Republicans during the period of New Deal, no question about the injustice of the whole thing.

(I wonder of what significance is the fact that Plato's Re-

public the discussion is in a single day and in Cicero's the discussion is in three days. Could it be an indication of the lower rank of the discussion?)

In Plato it is in a night, and not in a day. It is a night discussion. They begin about dinner time, and it surely ends deep in the night, if not in the early morning. I couldn't give you any answer except to say that the Laws, if my recollection is correct—but we will find out very soon, was a discussion in a single day. And the Republic is in three days—indicating the much greater difficulty and importance of the subject discussed in the Republic rather than in the Laws. I could not go beyond that. In Cicero's Republic it is a winter's day. Oh yes, it could be this. Since it is a winter's day, a short day, then it could not be done in one day. That might be part of the story.

(After reading the third book, it seems to me that the way in which the argument about injustice is disposed of is almost by definition that a commonwealth is a community of justice and a partnership in the good life. And then, therefore, if what you say is true, there are no commonwealths, and yet we all know that there are commonwealths. And that this would explain why the commonwealth is discussed first in the Republic and the other second. Whereas in Plato it is reversed because justice has to be the standard of the commonwealth.)

But let me see. What you say is the answer given by Scipio. But first we get the reply by Laelius.

(And unfortunately it is very fragmentary in this book.)

But still, there is no reason to assume that the main point made by Scipio had before been made by Laelius. It would be safer to assume that Laelius was somehow insufficient, even if complete, and the Scipionic points had to be made afterwards. You may very well be right, but I simply do not understand it.

(I don't either at this point.)

Well, let us see if that becomes clearer if we understand first the argument against justice, because he begins with this. Now in this respect Cicero simply follows Plato. First, the enemy of justice states the case against justice. More precisely, that is not an enemy of justice, it is a friend of justice. But, in order to understand clearly the case for justice, he wants to state the case against justice as strongly as possible. Just as Glaucon/Adeimantus in the second book of Plato's Republic. That is explicitly said—that Philus does not believe what he says; he only states it in order to be refuted. Now what is Philus' point here. Or at least what are the most important points made by Philus. May I say, before we go into this, that we have here also an introduction of Cicero, which is also fragmentary. But the first seven paragraphs are Cicero's coherent discussion, and they deal again with the question of the theoretical and practical life. But the situation has been changed. Cicero is now more favorable to the theoretical life than he was in the first book. But now to Philus' argument against justice. What is his thesis?

(His chief thesis is that everywhere we see a diversity in regard to what is just, or views about what is just. Now if there was such a thing as justice by nature, then, since all men have the same nature, justice would be the same for all men, and you would not find this great diversity.)

In other words, the vulgar argument which is so familiar to you from present day discussion. There cannot be natural right, because right means something different at different times and in different societies. That is the whole story. But he contradicts this very argument, doesn't he? Did you notice that? Because he makes it clear that justice means everything the same. Let us read paragraph 24 (page 203)

Wisdom urges us to increase our resources, to multiply our wealth, to extend our boundaries; for what is the meaning of those words of praise inscribed on the monuments of our greatest generals, "He extended the boundaries of the empire," except that an addition was made out of the territory of others? Wisdom urges us also to rule over as many subjects as possible, to enjoy pleasures, to become rich, to be rulers and masters; justice, on the other hand, instructs us to spare all men, to consider the interests of the whole human race, to give everyone his due, and not to touch sacred or public property, or that which belongs to others.

That is enough. Is it not perfectly clear that justice has a universal meaning? To think of such things, to spare all, and always to consider the good to the human race. That is not a meaningless assertion. So the whole argument of Philus restates, or claims to restate, the argument of Carneades, the founder of Academic Skepticism. The variety of notions of justice is only a kind of starting point for the whole argument. Then there is that justice has a perfectly unambiguous meaning, as far as the core is concerned. But justice thus understood is foolish, or, which amount to the same thing as we shall see, is impossible. Why is it impossible? That is the core of the criticism. It is impossible to be concerned with the good of the human race, and with sparing everyone. Why is it against the nature of man, the nature of things? That is his contention.

(Man is by nature selfish.)

Yes. Man is by nature selfish. And therefore the subordination of his interest to the interest of the whole, be the whole his nation or the whole human race, is impossible. That is true. But how can this be shown? Or, if not proven, at least illustrated?

(I think it is that the just man is likely to fail. He cannot secure and maintain power for a very long time. It is sort of like natural selection cut.)

In other words, what would this mean if differently stated? Why is, therefore, justice against the nature of man, or the nature of things, for this reason? Because sometimes we could say that the just cause wins also. Sometimes it is defeated, but sometimes it also wins.

(Partly it is the appearance.)

In other words, even in these cases it would not be just cause but someone who cleverly uses the pretence of justice. Is that what you mean? Yes, but who knows that? That can no longer be empirically decided in this way. You know, once you are sure that justice cannot be a power, then you are certain that you have to find the sordid things in that so-called act of justice. How do you know that in the first place? You raised your hand?

(I was going to say possibly because to live according to justice is to die.)

Is to die?

(Is to be ultimately unsuccessful. And that this is the extremist folly, because you find the first element of your nature in self-preservation. He uses the example of Rome, and the fact that the early injustices were what contributed to its greatness. It would be the supremest folly now to turn to justice, because it would mean a return to the primitive situation.)

In other words, a good life, even in the moral sense, requires some abundance. And this abundance you cannot get without taking away from others. But then, of course, one could say, well, alright, I want to be just and poor rather than rich and unjust. Therefore you have to show it even for the case of mere life. What Carneades means is that even mere life, not merely life in abundance, is impossible without injustice. How can he show that? There is an argument, a very well known argument, which has been known throughout the ages. A clear case of injustice is to kill an innocent man. But if you are on a raft after a shipwreck, and only one man can sit on it, can you blame him if he throws the other fellow into the ocean? Common sense would say, no, you can't blame him. But if this is so, then it means that at least under certain circumstances, life is not possible without committing an unjust act. And once this is granted in one case, the whole principle breaks down. You can still say, oh, I want to be as just as possible. Carneades would say, that you may very well do, but you can never be simply just. And not out of any sinfulness of man, but because of the nature of things. And therefore this example, which we have first taken and which seemed to be far-fetched, that the killing of animals may also be an unjust act, is only an indication of the fact that the whole is so constituted that conflict, and conflict for the sake of survival, belongs to the human situation. Therefore, justice must be completely redefined and can no longer be understood as always to be concerned with the good of the human race, i.e. with the good of others. A certain primacy of self-preservation makes justice in the simple sense impossible. That is surely what he meant. Whether the extreme consequences of Carneades follow is another matter. This is the crucial point—that there are cases in which it is impossible to be just. Of course one could say, the man could say, I prefer my own death to an act of injustice. But then Carneades would say, that is very fine, but then you no longer speak about human beings as they are and certainly not about political societies. You know, which are certainly tough. And would say, as it stated here, rather to rule unjustly as to be subject justly. And if anyone recommends a political teaching which is based on the principle—rather to be subject with justice rather than to rule unjustly—he would not find any hearers. Some nice individuals, but political societies as a whole would never listen to him. Therefore, the teaching of justice is "entirely unrealistic." This is surely what Philus says.

(. . . inaudible . . . Take for example the raft. Certainly there is an immediate appeal to everyone—that it would be just for the stronger man to let loose and allow the weaker man to live. But suppose you have a raft with a strong statesman and a weak gangster, and so on.)

Oh sure. Frequently in religious casuistry, you find the example of the one, a very wise teacher, and the other, a very unwise pupil. It is much better for the commonwealth that the wise teacher survive. This is probably an example thought up by teachers. Sure. But in this case they both would think of the common good. And the wise teacher, in this construction, would not think of his survival. But he would think of the common good, which accidentally commands

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his survival. That is clear. But the question is whether to state the problem in terms of the common good does not lead to a complete misunderstanding of the situation? Where everyone is concerned, in the most elementary sense, with survival. Sure, that is clear. It creates a very great problem. The question is only whether such far reaching consequences follow as Carneades claims. Machiavelli has, of course, taken up this line, this whole argument. If you put it this way. Machiavelli said that you cannot have a great society, a glorious society, without some basic crime. The people may deplore it later, because they see that there is some indignity involved in this, but they never, except under compulsion, surrender what they have taken from others. If you say that the British Empire, and what they did for India and other places, is an example to the contrary, that is not a convincing proof because there was considerable pressure, and we do not know whether the British would have ever done that without this pressure. I know that there are quite a few Britishers who wanted that, but whether the British state would have done that is hard to say.

(But isn't there a general agreement as to that one should really prefer one's own, that should prefer that of your own country to that of foreign nations, and of your family and friends to foreigners and strangers or those that you don't know. In other words the larger . . .)

If I can answer your question, sure. For most practical purposes you can say that justice is public spiritedness, patriotism. But then the question is, is this not simply an enlarged selfishness? You see? Now that is the way in which Machiavelli begins his argument. Machiavelli says, of course, mere selfishness is something very mean. Dedication to the common good. And dedication to the common good demands the sacrifice to justice in the simple sense of the term, when taking away from others for the good of your own society is felt to be perfectly all right. But, then, since he saw the issue, he was driven to the conclusion that this public-spirited patriotism as a form of enlarged selfishness, ultimately required the emancipation of simple selfishness. And so, in other words, what is good for the goose is good for the gander. Then, within the society each, and everyone, is justified in thinking of himself. And what he tried to do was to show that through the mechanism of political society the most interesting cases of selfishness coincide with public spiritedness. Meaning this. The highest form of selfishness is concern with immortal glory. But his immortal glory—this individual's—cannot be obtained except by service. But the motive is not service, the moral motive; service is a means. The motive is the concern with immortal glory. So in this way he tried to get out of the difficulty. But he drew the conclusion. That collective selfishness is a half way house between justice and . . . and therefore one can't stop at the middle. Although for practical purposes it is frequently possible. But for a true understanding of the issue one cannot do it.

(I'm not quite sure that I understand the argument that the necessary conflict on the simple basis of life itself refutes or disposes of justice, or disposes of the possibility of justice. What kind of notion of justice is it that is so . . .)

Let me try again to illustrate this. Perhaps we can then state it more generally. Montesquieu, in his Spirit of the Laws, makes the following

observation. That a man had figured out the answer to this question, i.e. what is the value of a human life. And he had given the answer, what a man fetches on the slave market in Algiers. Here you have a clear economical argument, to which Montesquieu replied--that may be true of an Englishman, but it is not true of other people. There are countries in which the value of a human life is much smaller than that of an Englishman; there are countries in which the value of a human life is zero; and there are countries in which the value of a human life is even less than zero--the overpopulated countries, and so on. Now let us assume such a situation exists in fact. What does the preservation, and the concern for the preservation, of other human lives mean, then, in practice. Take it as you have it now in India, or certain parts of India. It creates a problem, doesn't it? The usual way we would state it today it is the duty of this society or of this state to take care, you know, by proper arrangements, that no one will starve. But that is not always possible. Today it is possible because there is a very big and rich country called the United States, which can give foreign aid. But that didn't exist at all times. Now what happens in such a situation? Is there not a situation possible in the nature of things in which men simply cannot help being like beasts toward each other. The theoretical expression is the Hobbsian conception of the war of everybody against everybody. Because what Hobbes has in mind is connected also with the possibility of extreme scarcity. That is the point. Now, if we take the opposite view in its simplest and clearest version, it is the biblical view. Here you have the original state of man as one of sufficiency, not to say abundance--the Garden of Eden. There was no possible excuse for any injustice in this situation. And then one can say, on the basis of the Bible, that if there are such situations for beastliness later, they are due ultimately to human sin, which created this extra-paradisical situation. From the point of view of the philosophers this was altogether different, because they assumed that the early state was not one of plenty--although it was relatively good, because of the scarcity of humans, so that they could always go away to other places if there were too many. But it could also be the case theoretically that the situation is one of extreme scarcity, so that fighting among human beings for mere survival is practically inevitable. For mere survival. And then we have this paradoxical situation, which Machiavelli carefully discusses, that the justest wars--where people fight for sheer life--are the most beastly wars. And the unjust wars--say if a king wants to conquer another province--wars which are absolutely unjust, where there is only a desire for glory, that these wars can be very humane. You had that to some extent in the 18th century. That may be. That is, I think, the problem. The question is whether this proves, as Carneades and Machiavelli claim, that justice is not natural, as they say. What they meant was this. You can have a certain decency, and it is even desirable that you have it, within civil society. And perhaps even within a group of societies which are fundamentally friendly, say like the states of the West now, where, after all, the United States would never be beastly to France or Italy. That goes without saying. But they are in a way members of one larger commonwealth. And I think the Western states even have the willingness to be decent to those outside of them. That is a very special case. But fundamentally the situation is this. The foundations of decency must first be established by human action. You must have a state, and police, and you must have also a certain degree

of abundance. Once this exists decency is not only possible but desirable. But, in order to get that foundation, to get that island of Eden, you cannot use decency. The foundations of morality cannot be created by moral means. That is Machiavelli's argument. Machiavelli is not a fellow who enjoys beastliness for its own sake. On the contrary. But he says that the trouble is that you cannot have humanity or decency except by virtue of human action which establishes the conditions for this. And that is the meaning which people like him, and also Carneades, have when they deny that justice is natural. If justice were natural, there would be, nature would supply the minimum conditions. Take Aristotle. When Aristotle says in the first book of the Politics that nature supplies the food—in the case of the newborn, in the breast of the mother. But in another way there are plants and animals around which no human being created; they are given. And therefore the conditions of our existence are supplied by nature. Justice is natural. But if this, what nature supplies, is essentially deficient, and not only for a life of luxury but also for the necessities of life, then the question arises. That, I think, is the issue. Of course, one could say that is not quite the issue. Even granting that in the extreme case you cannot expect humans to be just, the conclusion from the extreme case to the normal case is not valid. It could still be the end of man to live justly, and justice could have a definite meaning, not in any way dependent on human arbitrariness. But it could be so that the conditions for that are not always available, and therefore, in these situations, the statue of justice must be veiled—to modify a phrase of Montesquieu's. In this case you have to close your eyes, because what is going on you cannot help. You cannot even blame people for that. But the fortunate thing is that in the nature of things this can only be an exception. You know there are cases, and there were cases in the last war, of cannibalism. Someone who has never been in such a position trembles to judge. While admitting the terrible character of cannibalism, . . . I don't believe that men like Carneades and Machiavelli were simple cynics, simple morally indifferent people. There is a problem. The only way out of that is to say that all these situations can ultimately be traced to sin, i.e. of course not to a sin of the individuals in question but to original sin. But that leads to other problems: not everyone will accept the notion of original sin. This, philosophically speaking, is certainly an issue which must be answered in a different way.

Now we must gradually find our way to your question. We are still dealing with the case for injustice—that there is no natural support for justice, to state it simply. Philus uses some arguments which are really trivial and uninteresting, but that is the core of the argument, as indicated by the example of the two men on the raft. Then Laelius states the case for justice (paragraph 33, following). And here there occurs the famous statement, not explicitly about the law of nature, about the true law. Now I think we should read that.

True law is right reason in agreement with nature; it is of universal application, unchanging and everlasting; it summons to duty by its commands, and averts from wrongdoing by its prohibitions. And it does not lay its commands or prohibitions upon good men in vain, though neither have any effect on the wicked. It is a sin to

try to alter this law, nor is it allowable to attempt to repeal any part of it, and it is impossible to abolish it entirely. We cannot be freed from its obligations by senate or people, and we need not look outside ourselves for an expounder or interpreter of it. And there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal and unchangeable law will be valid for all nations and all times, and there will be one master and ruler, that is, God, over us all, for he is the author of this law, its promulgator, and its enforcing judge. Whoever is disobedient is fleeing from himself and denying his human nature, and by reason of this very fact he will suffer the worst penalties, even if he escapes what is commonly considered punishment.

Now that is the classic statement, and you will find a similar statement in the first book of the Laws. Whoever is responsible for that should compare the two statements. Of course, that is the diametrically opposed position which is, although it is not explicitly said here, generally traced to the Stoics. That is the Stoic teaching. Now here it is said that this law does not move the wicked; it moves only the just men who are guided by the notion that anything which is a denial of the nature of man is simply below their dignity, and they will not do that. There are no other sanctions except self-contempt, it would seem. If you read in the next section (par 34, second paragraph).

But private citizens often escape those punishments which even the most stupid can feel—poverty, exile, imprisonment and stripes—by taking refuge in a swift death.

Now you see these crude punishments, which are applied by human judges on the basis of human law, and which even the most stupid can feel, are not felt for transgression of this universal law, this natural law. Therefore the question arises, and I mention this also for the person who will read the paper on the first book of the Laws, that in paragraph 27 of the first book Scipio had spoken of the common law of nature, which is the law of the wise. It would be interesting to see whether what Scipio meant there is the same as that true law of which Laelius speaks here and of which Cicero speaks in the first book of the Laws.

Of course, the question is here this. The consequence of transgressing the true law, the law of nature, is in the case of decent men self-contempt. The consequence is not death, destruction. But what about the states?

(Inaudible . . .)

Yes, but that depends on how you will . . . But does he not say . . . Yes, but assuming that this has to be understood this way—enforcing judge. ". . . inventor, disceptator, lator;" Inventor is the inventor; lator is the law given. I assume that promulgator is alright. But the question is how does God, as meant here, enforce that law? You only have to read the sequel. If he does not obey, then he is fleeing from himself. And having despised the nature of man will by this very fact undergo the greatest punishment, although he might escape the other punishments which are regarded as such in this case. You know, there is no certainty whatever

that divine punishment would mean anything else than this self-contempt.

(I question whether the passage about private citizens escaping those punishments, and so on, and then going on to the case of states, that death itself is the punishment, refers to the punishments of transgressing the natural law. In view of the gaps here.)

What do you say applies to the states?

(Perhaps we had better read the passage about the state first. I don't believe that has anything to do with what he was talking about before.)

That may very well be. We have fragments only, and we don't know for sure. Surely. But, alright, we have to raise the question. Because in this passage, which we read and which is not interrupted, which is not fragmentary, it is clear that something like divine punishment is suggested. But it is not clear whether this divine punishment can exist in anything else but self-contempt. And this would apply only to the decent men, as he said at the beginning. "This law which does not in vain command or forbid the decent people, but does not move in any way the wicked." So I think it is safe to say that the divine punishment is nothing but the pangs of conscience, which, however, are not felt by all men. Now the question arises, what about states?

(Does not the question also arise, what kind of law is this?) Which kind of law?

(That does not apply universally to all men.)

It applies universally to all, but not all understand it, say not all listen to it. That is easier. But also not all understand it, because it is not sure whether Scipio, when speaking of the common law of nature in the first book, meant the same thing. But there it is surely called the law of the wise, the law which only the wise people understand. And suggestions to this effect occur here, when he speaks here of the most stupid, the punishments which the most stupid feel. In other words, you don't need wisdom to see that capital punishment and jail are undesirable. But the true, the deeper punishment would mean that you have to despise yourself, and it does not consist in the deprivation inflicted upon you. Now the question is, what about the state? An individual can have a conscience, and some are influenced by that. Maybe even many, but certainly not all. What about the state?

But in the case of a State, death itself is a punishment, though it seems to offer individuals an escape from punishment; for a State ought to be so firmly founded that it will live for ever. Hence death is not natural for a State as it is for a human being, for whom death is not only necessary, but frequently even desirable. On the other hand, there is some similarity, if we may compare small things with great, between the overthrow, destruction, and extinction of a State, and the decay and dissolution of the whole universe.

Alright. Would this not follow, wholly independently of the state of the text, the fragments, and so on—if there is to be such a true law, and meaningful for the state, it means this. A state which disobeys that true law will perish.

(Why? Suppose the state is hard-hearted and doesn't have any ears to hear.)

That is what I was driving at. What is true of the individual would

apply to the state as well.

(What I mean is this. Does he not state that the only punishment of the natural law which applies to the individual is not death, or deprivation of riches, but self-contempt. And this is the only punishment of which he speaks.)

In other words, if they have any decency in themselves they would say, we are gangsters. Sure. But we need more here. Look. We have first Philus/Machiavelli. I do not go now into the question whether there are not some subtle differences between them, between Philus and Machiavelli. What we vulgarly understand by the Machiavellian teaching. Then we have the lawyer, the jurist, Laelius, and this notion of a true law of justice which has divine sanction, if only the sanction of the conscience. And he goes beyond. In speaking of the state, he goes beyond what he had said about the individuals. The punishment will not be mere self-contempt in the case of the state; but the punishment will be the destruction and extinction of the state. This is not justified by Laelius; that I admit. But it will be justified by Scipio. There is a kind of justice without which a state cannot last. And this is the proper harmony of its parts. Now whether even that does not go too far—because we have seen despotisms lasting for ages—is another matter. Granted that this is a good point that Scipio makes, that there must be some mutual respect among the parts of the state, what about wars? If the state proceeds like the Roman state, giving the plebs a great cut in the conquest? Whether the conquests are just or unjust does not very much affect this partnership in crime. Because they are both paid well, and therefore they will work together. Do you see what I mean? That has to be checked, of course, but up to this point we must assume that a silent transition takes place from Laelius' concept of justice to a different one, a Scipionic one; the Scipionic concept of justice would not be exposed to the difficulties to which the Laelian concept was exposed. The question is that of natural sanctions. The natural sanction in the case of Laelius is only in the pang of conscience, self-contempt. The natural sanction in the case of Scipio is really political decay, self-destruction. And this would come about by the absence of a proper regard of the claims of the different parts of the society. But that has to be thoroughly studied to establish that. But you wanted to say something.

(The point is that Laelius does not demonstrate that the state will die if it doesn't follow the commands of justice.)

Well, we cannot speak with full definiteness about it because of the fragmentary character. But we can argue as follows. Since Scipio makes this point so emphatically that the justice of the state consists of a harmony of the parts—it is to be claimed that it was not made by Laelius. And that Scipio solved the difficulty which Laelius had left unsolved.

(May I raise another possibility?)
Please.

(That Laelius didn't even claim that a state would die if it didn't follow the commands of justice. And I would argue as follows. That the sentence immediately preceding that says "But private citizens often escape those punishments which even the most stupid can feel. . . by taking refuge in a swift death." But the punishments of which he is speaking here couldn't be

caused by not obeying justice in the individual case because no material punishments follow from that, from disobeying justice. And so when the next sentence talks about states, I don't see why you have to argue again that this has anything to do with the section preceding it, having to do with justice.)

I do not quite follow you. I want to look up in the reports in Augustine's City of God, which are not printed here, but which are printed in the good scholarly edition. Here we don't know in all cases who the speaker is. That is the trouble. And sometimes Augustine reports that Scipio said this, or Laelius said this, and then we are on safe ground. Now what was your point precisely.

(Well, I'm not sure that I am making it clear. The sentence immediately preceding the sentence in which he talks about the state seems to me to have nothing whatever to do with the passage on natural law, because it talks about material punishments. And we know that there were no material punishments which followed disobeying the natural law.)

Alright. I grant you that. And I granted to you before that this may very well be true. But still the question arises, what is the significance of Laelius' true law as far as the state is concerned. As far as the individual is concerned, we know that. The individual, if he is a decent man, will despise himself. And that is the sanction for that true law. But what is the sanction in the case of the state? Can you speak of the self-contempt of a state. It makes sense if you speak of the destruction of a state. And that does not follow because, well, even Burke says something to this effect—that you should not inquire too much into the origin of any state. This must be covered with a respectful veil. The idea being, what happened at that beginning, when men came out of the savagery by some founding action, the less we speak about it the better. But surely not by noble and just actions. That is the implication. Now if this is so, then some injustice may have gotten into the very being of the society. One could even speak, in the case of such a moral country as the United States, of the Louisiana Purchase, at least in the Henry Adams interpretation. Or other questions. You know, these kind of things happen. Now where is the sanction for justice as far as states are concerned? Sanctions which are strong enough and prudent enough? I mean, to take the example of the Nazi as a sign of the quick destruction of an unjust society, is not sufficient. Because that everyone would admit. An extreme of injustice accompanied by an extreme of folly doesn't work. That doesn't work. I mean, if you make all men your enemies by your foolish policies, and arouse such an antagonism as existed, and so on. But the question is whether a judicious mixture—you know, on the whole just but in certain crucial moments unjust, that is what Machiavelli meant by this. He didn't say that you should kill and murder all the time and just enjoy yourself. But at certain critical moments you grab something which is very good for your state, and then you are very nice afterwards. That is the question. Whether this is not only possible but whether this is not even indispensable for the being and well-being of the society. That is the question. This has, of course, never been empirically proved—that a perfectly just state last forever, whereas

an imperfectly just state is punished very soon for this injustice it has committed. Is this clear? I mean the Nazi example would only prove that there is an extreme of injustice which is fatal. But, as Machiavelli would say, an extreme of justice is equally fatal. And therefore only a mixture of both would work. But that is as fatal for the case of pure justice as anything else would be. (Didn't Philus anticipate Scipio's statement by saying that in the balanced regime what harmony there was was the result of calculation . . . inaudible . . .)

How would you state it? You start from selfish individuals, because that is the point from which Philus leaves. Selfish individuals who, out of selfishness, band together, establish a society, and then they can survive. As individuals they couldn't survive. But after having banded together and becoming a strong society, they can afford grabbing foreign territory and keeping it indefinitely . . . (End of reel; a few sentences were lost in changing the reel.)

. . . or the troubles which the Spartans got with their Helots. But if they are judicious, then they can last very long and can be a flourishing society. Is that the kind of thing you have in mind? And, then, is this the same as what Scipio has in mind? That is your question? I am sure that this is not the case. Because for Scipio, while he might admit this sad necessity, the justification would consist in what is that state going to do with the power which it thus acquired and which was not, in all cases, justly acquired. And from Philus' point of view, this question would not come up. Or from Carneades. That, I think, is the point. In other words, there is. . . Yes, what will they do with that power. And will they really be conscientious, so that they will resort to such extreme measures only in the case of absolute necessity. Or will this become a kind of common practice which, then, is bound to have a terrible political effect. It is really a political difference which cannot be reduced to simple rules. But rather it concerns the spirit of a society which conceives of itself merely in terms of self-preservation of individuals, collective selfishness coming from that, and not caring, not a dedication of the society as a whole to an ideal. In modern language. That is, I think, what Scipio means, and surely Plato and Aristotle and Cicero. And the absence of such dedication. That I think would be the difference. You see, you have here, then, a pure Machiavellianism on the hand, pure moralism, if I may say so, in the case of Laelius, and in between them a more truly political view, which admits that necessity sometimes forces, overpowers, reason. That this is the nature of the case. But which knows what that is, and that this is something which has to be kept under control with a view to the truly higher.

(A word in defense of the view of Laelius when he speaks about laws. He is certainly not a jerk. When he states that there is one universal law, and that alone, he knows very well that this is not the same as the sense of law which Philus developed earlier. So the problem then comes out, what does he mean by law here? He speaks of it as unchanging and universal law. But what does he mean by this when, if your interpretation is true, this is in no sense a universal law. If its operation is only on wise men and the sanctions available only on good men.) Well, let us take a human law. There are criminals nevertheless.

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How is this? But the human law you can say operates on criminals, because they are punished, although they don't recognize the human law. But again here we have the difficulty that even the human law, as we discussed last quarter, which says If he is caught. . . Even here the human laws and the punitive provisions of the human laws can be evaded by clever men. Now here we do not have any external punishment, at least as far as we can see from this passage. The punishment would consist only in the pangs of conscience, and there are people who do not feel them. Laelius says this. In other words, you would say that it does not deserve to be called a law. Is that your point?

(This is about the only way you mention it--I mean, in terms of on whom it avails and ...)

But really I try to understand what Laelius means. Well, could one not say that a rule of action which is evidently reasonable is truly a law, regardless of whether it is enacted by human beings? Could one not say that? Is that not a defensible position?

(Yes.)

And especially if one says, as he does, that there is a legislator of that law, namely God. Could one not say that?

(Yes.)

But I would say that Philus certainly, and perhaps Scipio, would say--perhaps for your reason--it is not truly a law. Only with this difference. That Scipio would say it indicates, this rule indicates what is intrinsically right. Whereas Philus says it indicates something which is absolutely impossible, and therefore could not be called right.

(As regards to this other case. It just seems that when we speak about a universal and unchanging law, that these men cannot mean something as simple as that universally everywhere and for all times, Thou shalt not blow thy nose, to take an absurd example.)

(What I am wondering is whether they mean such things as Thou shalt not kill.)

Not kill in the literal sense. Otherwise Laelius could not defend the Roman wars. A lot of killing was practiced. But they could very well say, and must say, Thou shalt not kill an innocent man. And, taking the war example, in a just war the enemy army must be considered as unjust. From this point of view.

(But not talking from his point of view now, but only in regard to this universal law.)

Well, alright. The killing of innocent men, would this not be. . . Or you never take away from others what belongs to them. Within your society that is sufficiently established by law, by the human law. In foreign relations, however, that is the state of the Samnites, here is the state of the Romans, and the Samnites attack you unjustly, and so you justly defend yourself. And you defeat them. Then it is not really a moot question. Can you go beyond disarming them? Do you have the right to take away their land from them? That would be the question. Later on in the same connection, where it is not clear who is the speaker--whether it is Laelius or someone else, he introduces this Aristotelian doctrine of natural slaves in order to justify the Roman empire.

(I know that. I think I can state what I am trying to get at. Take, and I think Aristotle would agree with this, the statement that nature cannot require the impossible.)

Yes, sure.

(Now, if nature is such, to use the argument of impossibility that Carneades uses and that Philus uses, if this is the true situation, it just simply doesn't touch justice, and justice can still be natural.)

Yes, sure. Aristotle would argue that way. Aristotle would say, to take the clearest statements of Aristotle, what he says about commutative justice and distributive justice, that is really universally valid. The specific decision differs. For example, if hides are very expensive, then the value of the shoes made from the hides will be much more expensive, according to the identical principle. You know what I mean? But the principle itself, say that the just price means cost of the material plus value of the labor, that cannot be changed. And similar cases. Fair wages would be a similar notion. Where the principle is universal, the application differs in the face of changing circumstances. Clearly, And that is in no way affected by the fact that there may be situations in which a market is altogether impossible, because of chaotic conditions, and then this kind of thing cannot be applied. But it is clear that this does not affect the intrinsic validity of the principle itself. Is that what you are driving at?

(That is the point I am driving at. And the point that I'm trying to make is this. That Philus must have a conception of justice which seems to be utterly simplistic if he thinks that this shipwrecking argument touches it to such an extent that . . .)

Sure. I believe you. But it may very well be that it is sufficient to destroy Laelius' position as he states it. That it is only the more sophisticated position of Scipio which is not touched.

(The point I was trying to make is that this is a very brief statement, and unless the man is a fool he can't mean this as literally as it seems.)

Now let us see. When you look at this statement, the same Laelius, it seems—we can't know that, in paragraph 35 (page 213): "Our people have made themselves the masters of all lands through defending their allies." That is, I would say, a somewhat naive statement. I mean, if the Romans had strictly limited themselves to the rights necessarily accruing from defending their allies, they would not have become the owners of the Roman empire. You know? May I make this suggestion. As far as I remember, the natural law doctrine as stated in the first book of the Laws by Cicero is the same as that stated by Laelius. I do not know, and don't believe me. Let us check on that. Perhaps we get some more clarity then.

I believe that we have reached some clarification tentatively regarding this issue. Along these lines. That the position taken by Scipio may very well differ from that of Laelius. And I think that would make sense in the light of the whole. Why did Cicero entrust the first statement against Philus not to Scipio, the chief speaker, but to Laelius, if there were no differences between the two men? And as for the simplicity. You must not forget that quite a few times we all use, for very good reasons, when speaking about these very high subjects, very simple language. Language which is practically useful and suggestive, and yet which would require many footnotes and qualifications to really be foolproof.

(Are you suggesting that Scipio's doctrine is . . . inaudible . . .)

Sanctions other than pangs of conscience. Sure. I believe so. And what Philus says is there is no right other than human law with human law enforcement which has any intrinsic sanction. He goes beyond that. And the true law of Laelius has no sanctions other than pangs of conscience. And that is not good enough for societies, for states. And therefore the Scipionic natural right would have to be assumed to be one which has sanctions. And indeed what he indicates about the harmony, the respect of the parts of society for each other, makes sense. It makes sense to say that if this is disregarded chaos, weakness, decay, extinction follows. But I am not sure whether the assumption which I made now is so simply true. That a law must have sanctions in this way. For example, the law of the wise, which Scipio mentions in the first book, what is that? This law which would lead to the consequence that no one can possess any property which he cannot use well, which leads to the abolition of private property. What happens if someone purchases legally something which he doesn't use well? It can be taken away solely on that ground. That means that some body of wise men assigns to everyone for use, as long as he uses it well, this property. Does this law have any sanction in a precise sense?

(The only sanction I could think of would be on the assumption that living up to this law is the essential requirement for happiness.)

In other words, simply stated only the wise man is happy, and the fool is unhappy. That is a sanction. And that is a bit more than merely the presence or absence of pangs of conscience. That is true. In that sense it would have a sanction.

We have, of course, not gone sufficiently far and yet we must now finish. Perhaps we have an occasion later on to go further into this question. Perhaps the question of the various regimes. Scipio had said in the first book that, taken singly, monarchy is the best. And there is an aristocratic undertone, neither monarchic nor democratic, in Laelius and some of the other speeches in the second book, or third book. We have not observed them, and we also have not gone into the argument of Scipio, after all the chief speaker, in favor of pure monarchy. We must return to that some time.

Perhaps after the reading of the paper next time we may take up this question of the simple regimes as discussed in the first book. (End of lecture.)

... Now I have not quite understood how you think Cicero solves the problem of glory. You referred to a statement in which Cicero says that glory is one of the important objectives of political activity. And you found here a difficulty. Perhaps we can get some overall view of this argument by starting from this point. What was the difficulty?

(I said that the Scipionic view was that the aim of the state and the citizens was a happy life. And one attribute of that happy life was earthly glory. Yet Scipio had previously said that rejection of material wealth and glory, honor, was absolutely necessary for the attainment of earthly happiness.)

Where had he said that?

(I think he said it in book one, where he is speaking of the disadvantages of the political life and the advantages of contemplation, of the life of contemplation.)

Good. And now how do we go from here. Glory is an essential part of political happiness. Now how is this affected by what is said later?

(By political happiness I was referring to the happiness of the citizen. One attribute of the happy life of the citizen is earthly glory. And my resolution of this was as follows. I said that Cicero felt that only a very few could attain that true happiness which required the rejection of earthly glory.)

Yes, but is there not an explicit discussion of the problem of glory in the dream of Scipio?

(Yes. In which Scipio is told that the statesman ought to reject earthly glory.)

With a view to what?

(With a view to more enduring, more eternal, more satisfying rewards.)

Glory is petty. Good. And where do we go from here? If this is so, if glory is so important for political life? What follows from that?

(It would follow that the higher life would be that life which did not require glory, and political life would be lower accordingly.)

Why, then, should one choose it?

(Why should one choose the political life?)

Yes. Scipio apparently did. And Cicero did.

(For two reasons I think. One is that one has a duty to the fatherland, a duty to the state in which one is born and brought up. And that is a reason, or an obligation to enter the political life. The second reason, which is expounded in Scipio's dream, is that the true eternal rewards accrue to one who engages in the political life.)

So, in other words, the eternal rewards compensate for the pettiness of glory. And these rewards follow only the political life and not the theoretical life?

(No. It appeared to me in Scipio's dream that the philosopher, and perhaps some other activities, were rewarded rapidly by admittance to heaven. It appeared that everyone, eventually, got back into heavenly life. But that the statesman gained the most rapid return. I think he says this in the second to the last paragraph of the dream. Africanus says that he who performed truly the statesman's tasks gained the most rapid return.

Well, we must see whether that is really there in the way in which you state it. At any rate, it was a very good observation on your

part. The essential connection between political life and glory, and the fact that glory is a problem. And that we can take as a clue to the whole.

Now there were some other points which you made which I will take up in their proper place. Let me mention only one here. You spoke of Cicero's emphasis on ancient custom and then also his emphasis on praise and blame, and found that these were modern things. You said something about prestige. Is this so? What about praise and blame in Plato and Aristotle?

(I didn't mean to imply that they weren't present in the ancients. I did mean to imply that there was a great deal of emphasis placed on them at present.)

Sure, today. But the question is whether this present day understanding of prestige is really the same thing as the ancients mean by glory. The mere fact that the word glory doesn't exist in the social science vocabulary, whereas prestige exists, would seem to indicate a difficulty. And especially, when you speak of prestige it is impossible to distinguish between a sham, you know, deserved and undeserved prestige. Whereas the notion of glory always was that deserved glory, that true glory could only be deserved glory—not a momentary flash in the headlines.

Now what about ancient custom. You said that ancient custom plays an unusually great role in Cicero, compared with the Greek philosophers. Didn't you say that?

(I don't think I compared them with the Greeks.)
Well, I misunderstood you.

Let us turn to a discussion of these books. We have the great difficulty, which the reader of today's paper mentioned, that we have only fragments here of these books four to six. Only the dream of Scipio at the end has been fully preserved, and was known throughout history. A later Roman writer, Macrobius, had written a long commentary in connection with it and it was preserved. Now let us first begin with paragraphs 3-4, which you have discussed. But perhaps we have to add something. Would you read paragraph 3 of book 4 (page 233).

Now consider the other wise provisions for that association of the citizens in a happy and honourable life; for that is the original purpose of men's coming together, and it should be accomplished for them in their commonwealth partly by established customs and partly by laws.

"Original" is, of course, not a necessary translation. In Latin it is "prima causa", first cause. That does not necessarily mean the first in time. You thought of Aristotle's statement that the original cause is merely self-preservation. And then there comes in the true cause, which is the good life. But I think Cicero means exactly the same thing. Only Cicero is here disregarding the more elementary and urgent reason, mere self-preservation, and is thinking only of the cause which accounts for the possible goodness of a society. And that consists in the fact that the citizens live pleasantly and honorably, virtuously. In other words, there is no difference between Cicero and Plato and Aristotle in this respect.

He may have used these expressions, these ambiguous expressions, first cause of coming together, because in Philus' account of the origins of political society the first cause was based exclusively, it was identified with weakness. Men are weak if they live alone, and therefore they gather together in order to protect themselves. What later on, in a different way, is also the Hobbeian view. Self-preservation. Here Cicero, or Scipio, is in full agreement with Plato and Aristotle.

(Are honorably and virtuously the same here?)
Honestum could be translated as nobly or as virtuously here. We make now a distinction between honest and honorable. An honest man, and a man of honor, they are not quite the same thing. And that is not only present usage. I remember that Hobbes says somewhere that they are the same, honesty and honorableness, only distinguished with a view to different social classes. But, in other words, even in the 17th century in England already honest had the meaning of an honest farmer, an honest carpenter. And if you would speak of a gentleman, you would not use the same term because more was expected of him. Honesty refers then to the more elementary things--not cheating, and justice in the narrow sense of the term. Whereas such virtues as liberality or generosity, which are possible only if you have the wherewithal, are of course applicable only to the higher part of the society. But in the Latin usage there is no distinction. Honestum means nobly and so on. The word in Latin means also the honorable. That distinction is not made there. Now go on where you left off.

Now in the first place our people have never wished to have any system of education for the free-born youth which is either definitely fixed by law, or officially established, or uniform in all cases, though the Greeks have expended much vain labour on this problem, and it is the only point which our guest Polybius finds neglected in our institutions.

Now go on in the next paragraph, where Scipio is speaking.

. . . that a young man should go naked. From such ancient sources are derived what we may call the foundation-stones of modesty! And how absurd their system of exercise for young men in gymnasia! How far from rigorous is their system of military training for the ephebi!

Now let us stop here for a moment. In other words, he refers to a criticism of Polybius, a Greek and a person imbued with thoughts of the Greek education, of the Roman institutions. Because of the emphasis on education, what the Greeks called *paideia*, which in this way was absent from Rome. And what is the point which he makes here in the immediate sequel? So, to repeat, the end of civil society according to Cicero is exactly the same as it is for Plato and Aristotle. But there could very well be important differences in secondary things, regarding the means. And one seems to concern the status of education, the education of the boys. And here there were entirely different notions in Greece than in Rome. And what is the point he makes here in the sequel? Perhaps you would finish paragraph 4, which you began.

How free and easy are their contacts and love relations! To say nothing of the Eleans and Thebans, among whom lust is actually given free rein in the relations of free men, the Spartans themselves, who give every freedom

to love relations with young men except that of actual defilement, protect only by a very thin wall this one exception; for, providing only that cloaks be interposed, they allow embraces and the sharing of the bed. Laelius. I see clearly, Scipio, that in regard to the Greek systems of training which you criticize, you prefer to attack the most famous States rather than your beloved Plato, whom you do not even mention,

In other words, what Laelius says is this. You take issue with the easy going Greek attitude to the homosexuality, and yet you are such an admirer of Plato. Plato, who had made quite a few concessions as you know, in the Republic. Now what about Plato? At the end of paragraph 5 there is a remark which was apparently made by Scipio also.

But I . . . in the same way as (Plato) sends Homer out of the city which he invented, buying him off with wreaths and anointing him with perfumes.

I don't know whether—it is a fragment—whether he did not mean to say, I, Scipio, throw out Plato from my perfect commonwealth in the same way in which Plato threw out Homer from his. That is, of course, not possible to decide because of the fragmentary character of the text. But what is the significance of this statement? Now let me see. There are some others which we have to take together. You see, in the sequel, and that was also something to which you referred, in Greece, in the aristocratic cities, there was an office of the supervisor in women. In Rome that was understood to be the business of the husband. Ultimately, chargeable by the censor, by a public official, but there was no such office of some outstanding citizen who watched the conduct of women. And there were some other references to such differences. And the great high praise of conjugal chastity, which is not in your edition but which is in a letter of Augustine printed in the good edition of the Latin original.

Now, in other words, what seems to have come out here in this section is this. The stern virtue of the Romans against Greek laxity. Now one can safely say that this was here a theme. Now the question is, what is the fundamental significance of this criticism? Let me explain this question. We have been told at the beginning that we will be presented with a presentation of the best regime. And this best regime is the Roman regime. And its superiority to all other regimes was explained by the fact that it was not the product of a single wise man but of a sequence of wise men throughout the ages. Now what about this point, for example? Is there any connection, and necessary connection between the greater severity of Roman sexual morality, for example, than that of the Greeks? I mean is this something which is essentially related to the fact that in Rome there was a sequel of wise men and not merely a single wise legislator at the beginning? I do not believe that there is any principle involved here. It is a question, but an important question, of the second order. The proper means. Whether these and these Roman institutions were not more conducive to that virtue which Plato, Aristotle and Cicero have equally in mind. There is no fundamental change, but it is a question regarding the proper means. Or does anyone believe that Cicero means more here? You know, according to the myths in which we are now brought up, there was once a Greek culture

and then there was a Roman culture, each with a unique spirit of its own, and therefore when philosophy migrated from Greece to Rome, philosophy altered its character radically. A Roman philosopher could not possibly be agreed in decisive respects with Greek philosophers. And I think there is no reason whatever to assume that in the case of Cicero. As Laelius expresses it, your Plato. Scipio is a Platonist, who may deviate from Plato in quite a few specific points—like matrimonial law or whatever the issue here may be.

You see also another point, which I mention only in passing, in paragraph 7, when he says (page 237). Would you read that.

In a citizen of high rank or a man of high reputation, (I judge) flattery, ingratiating, and canvassing to be (indications) of shallowness.

The Latin word for "canvassing" is ambitio, ambition. That is the original meaning. Ambitio means to go around, the going around and begging for votes. That is the strange origin of the term. But it is still intelligible, because ambitious people still do it. Now that is an important point. I remember I had in a former class a discussion where we read a passage in Aristotle's Politics, where Aristotle expresses the same opinion, that a self-respecting man would never run for office. And it was suggested that this shows what babes in the woods the classics were. They didn't know the elements of the political trade. That of course you run. Such people don't exist. But what do you say about this criticism? It is worth considering. Because the fact that we take it for granted may show a naivete on our part. At least the fact that we have not thought about something which people in other times had thought about. How can this be understood—that running for office, and therefore also canvassing, was regarded as improper? I would raise this question. Are there still, in our experience, cases where we agree with the classical judgment?

(I think we make a distinction, happily, between the person who is a mere party hack, who will promise anything to get votes and things like this. I think in this sense we would still condemn this type of thing. Between this and the man who has some virtue about him that makes him fit for the office for which he is running. The situation demands that he go out and stump for votes all the same.)

Surely, that is clear. And therefore we sometimes make a distinction between the statesman and the politician. What did President Truman say the difference was?

(He said that he preferred to be a politician and not a statesman.) No, he gave a definition of the statesman.

(A politician who has been dead for two centuries.)

Yes, something like this. This innocence is not wholly groundless. But precisely today, because even people who are not regarded as party hacks do run for office, we have lost sight of this. I always take as a single example what is happening in a department. That it is still regarded, and not only on the basis of some old fashioned taboos but also on the basis of very concrete experience, that if someone is eager to become the department chairman, you know, that is usually looked askance at. That is simply something one doesn't do. Sometimes a man really may become (inaudible) because everyone says that he is the only one who can defend the department against

the administration, and so on, and then it is clear; one could say that it is his duty. But men who are eager, and try to enlist votes and this sort of thing, that is still regarded as not the right thing to do. What I was driving at is this. Perhaps the polis, or civil society, as it was understood by Plato and Aristotle and Cicero had something important in common with what we know only in fairly small associations, say like departments. And from this point of view it is something entirely different from the modern state. You wanted to say something?

(I believe there is something very much like this in . . . inaudible . . . such as the election of the pope, in which the cardinals are not even supposed to discuss it together. . .)
 In other words, here it is simply presupposed that there is a glaring contrast between the function and the means by which it is acquired. But that was, I think, also true not in fact in the ancient cities. They were not so perfect, as you know. But when Plato, Aristotle and Cicero write about the best society, they think of course in terms of what one could and should reasonably wish. What I mean is this. They had no delusion about what is likely to happen. But it would be better if this were so in political life, and there is no intrinsic impossibility. There is no intrinsic impossibility that there might be men who deserve to rule who yet acquire the ruling function without liking it, without running for it, without canvassing for it. There is no intrinsic impossibility.
 (Is there any contradiction about planning to spend one's life in politics, and yet at the same time not seeking political office. As Cicero says, you can't just stand by . . . inaudible . . .)
 Yes, that leads to a difficult question. Where it becomes almost impossible for mortal eyes to distinguish whether the primary motivation is duty or the desire for having a hand in the pie. And what we usually do, I believe, is to say, to make a distinction between those of whom reasonable men would wish that they be elected, regardless of whether they would also like to be elected or not. I think this is sufficient for most practical purposes. But the question, the moral question implied is not a senseless question. And I think it would contribute to a better understanding of the modern state if one would think about these differences—that today no one would find anything wrong with canvassing. And the fundamental change which has occurred by virtue of which this whole question has disappeared. In this respect we may well have become cruder than former generations of men were.

Now then we come to this very interesting discussion, in the same context and again a criticism of Greece, regarding poetry. And not everything which is known to us about that of Cicero's is printed in the Loeb edition. For example, in Seneca's letters the following passage occurs: "Cicero says that even if his lifetime were doubled he would not have the time for reading lyrical poetry." And especially the criticism of comedy and later on of rhetoric. But how did you try to account for that, of this criticism of poetry here?
 (I don't think that I tried to account for it at all.)
 In the first place, does this bespeak a fundamental difference between Cicero and Plato and Aristotle.
 (I don't think so. I think it is very similar to Plato's.)
 To Plato's, yes. He makes here one special point regarding the ridiculing of politically leading figures, of statesmen, by comic

poets, and he approves of the Roman legislation which forbade it. But there were also certain limitations on that, even in Athens. But surely, in Athens that played a much greater role. There is again no fundamental difference, it seems to me. The point is only this. We don't know of course whether this stems from Cicero's Republic, but another ancient writer records that Cicero had said comedy is an imitation of life, a mirror of custom, an image of truth, which does not quite jibe with the severe remarks made about comedy here. And you can also take the other point--the criticism of rhetoric. After all, Cicero was one of the most famous and greatest orators who ever lived. This creates also a problem. Whether here in this statement of what would be the highest moral requirement of a society, Cicero does not condemn quite a few things of which he knew they would be indispensable for a more civilized society. Which is fundamentally the same question as that of the political and theoretical life. The same difficulty, of course, also exists in Plato.

Now as for the fifth book, we have here in this case the beginning of the fifth book. As you may recall the first, third and fifth books (given two books for each day's conversation) always began with introductions by Cicero, before the conversation proper begins. Now here is a statement which is of some importance for the understanding of some of details of the book, at any rate. If you locate paragraph 2 (page 245).

The commonwealth of Rome is founded firm
On ancient customs and on men of might.

Our poet seems to have obtained these words, so brief and true, from an oracle. For neither men alone, unless a State is supplied with customs too, nor customs alone unless there have also been men to defend them, could ever have been sufficient to found or to preserve so long a commonwealth whose dominion extends so far and wide. Thus, before our own time, the customs of our ancestors produced excellent men, and eminent men preserved our ancient customs and the institutions of their forefathers. But though the republic, when it came to us, was like a beautiful painting, whose colours, however, were already fading with age, our own time not only has neglected to freshen it by renewing the original colours, but has not even taken the trouble to preserve its configuration and, so to speak, its general outlines. For what is now left of the "ancient customs" on which he said "the commonwealth of Rome" was "founded firm"? They have been, as we see, so completely buried in oblivion that they are not only no longer practised, but are already unknown. And what shall I say of the men? For the loss of our customs is due to our lack of men, and for this great evil we must not only give an account, but must even defend ourselves in every way possible, as if we were accused of capital crime. For it is through our own faults, not by any accident, that we retain only the form of the commonwealth, but have long since lost its substance.

We see here a reflection about Cicero's present. Cicero is living in the period of decay of the Roman republic, the first century. And in a way that is, of course, the starting point of Cicero's whole work. And one is tempted by such things, of course, and to succumb to such temptations is characteristic of much of present day scholarship, simply to understand the work on the republic as a pamphlet written with a view to the situation prevailing in Cicero's time. That goes too far. Cicero really tries to present the true principles of political life for all times.

(Don't you feel that it is his concern with the state of Rome that causes his differences with Plato. He feels the need to provide inducement, you might call it, to political virtue, to the active political life. And this causes him in a number of ways, and I tried to outline some of them in my paper, to differ from Plato. Plato was only concerned with rewarding virtue, and Scipio not only has to reward virtue but has to reward political virtue. And this . . .)

But does this other virtue not also exist in Plato and Aristotle, though more explicitly in Plato? Plato always makes the distinction between true virtue and political, or popular, virtue. And that this is required for civil society, he never makes a doubt of. And you must never forget . . . Surely, that is quite true. Aristotle's Politics, in the first place, but also Plato's Republic and his Laws are more remote from political life here and now, I mean then and there, than Cicero's Republic is. Take the Laws, which is the most practical book of Plato. He gives a sketch of a good polis to be founded on the island of Crete. That is not Plato's polis. Plato doesn't deal with Athens. Nor Aristotle, for that matter. Athens would be a kind of example, used for illustration by any of these writers. From this point of view Cicero is surely more practical. But this does not necessarily prove a difference in principle. Because precisely from the Aristotelian and Platonic point of view there would still be needed, on the more practical level, . . . Read the beginning of book four of Aristotle's Politics. There you have this hierarchy of questions. The highest question, the simply best regime. Then the best regime which you are most likely to get. And then, what can you do here and now, or then and there, in order to get the best solution. So in this hierarchy of questions Cicero's question finds its place. That does not in itself prove a change as far as principles are concerned. And if you think in addition of the fact that philosophy was alien to Rome. Not that philosophy was essentially Greek, but philosophy had happened to emerge in Greece. And therefore it came . . . In Greece philosophy was disliked and suspect, and we have much evidence of that. But it was not suspected as alien. Philosophy came to Rome with the blemish of being alien. These lousy Greeks whom we licked; they claim that they are wiser than we are. You must never forget how much this kind of thing affected people. You can even see this sometimes in present day discussions. In spite of all the so-called cosmopolitanism these things are still very powerful. And in ancient societies, where the feeling was much stronger, that was the point. Did Cicero not try as it were to make Rome the subject of its subjects, the Greeks. I don't believe that this question, this general question, of how the subjects of the Roman empire felt about Rome has been properly studied. I get the impression from Plutarch that the Greeks es-

pecially didn't like it at all. We are the offsprings of liberal societies in which everyone can say more or less everything he thinks, and we take it for granted that this was always the case. I am by no means sure whether a subject of the Roman empire could publicly attack the Roman system. I have a feeling that this explains to a considerable extent the whole work of Plutarch. I mean this attempt to contrast a Roman and a Greek. You know, that is the way in which he sets it up, parallel biographies. In each case a Roman and a Greek. Now in quite a few of these parallel lives, which I have read a bit more carefully, the superiority of the Greek in question appeared quite obvious when you read. But when Plutarch sums up at the end, he speaks only of the things which are equally praiseworthy in both cases. For example, if you read the Marcellus story; Marcellus was the conqueror of Syracuse, and indirectly responsible for the death of Archimedes. I forgot now. But if you read the story of the corresponding Greek, the superiority of the Greek emerges quite naturally. Now Cicero was a Roman, and a patriotic Roman; there is no question about that. But he was deeply impressed by the greatness of Greek wisdom. And he was aware of the fact that this created a resistance on the basis of the imperial nation, Rome. You cannot compare the Romans in this respect to the English, or a modern nation, where all these things differ. These kind of resistances are not in modern times as profound as they were in much more custom-bred older societies. Now how did we come to this question? Now today philosophy is no longer a problem. Everywhere you find departments of philosophy, and that is as much a matter of routine as the police and the collection of garbage and what have you. There is no problem. But that was not so in former times. Philosophy appeared as a very strange thing. There is plenty of evidence of that in Greek literature. To repeat, when philosophy migrated to other cultures or nations, it had the additional blemish of being foreign or alien. And Cicero knew this. A study of Lucretius, a contemporary of Cicero and an Epicurean poet, would also show this; Lucretius' poem begins as a Roman poem with the greatest emphasis. A Roman addressing Romans. And only later on does the greatness of Greek thought, the model for Lucretius, come into the open. I do not know for the moment how we came to this particular question, but I think it is not an impertinent remark anyway. Do you remember how we came to that?

(We were trying to trace the causes of the difference between Cicero and Plato, especially as they appear in Scipio's dream.) Cicero was under a quasi-obligation to emphasize the Romanness of his doctrine. Of course, all the praise of Greece which appears in the introduction of his philosophic writings also has the apologetic undertone. The case for the introduction of Greek letters must be made. It is not a foregone conclusion. And Scipio is, of course, the greatest Roman authority for the defensibility of devoting one's self to Greek letters.

Now let us turn to paragraph 5, the long speech of Scipio.

The field-superintendent, then, knows the nature of the land, the household-superintendent knows how to read and write, and both are interested in the practical utility of their knowledge rather than in the pleasure they take in its possession. In the same way, then, this governing statesman of ours should surely have taken

the pains to become familiar with justice and law, and should have examined their origins. But he should not allow his time constantly to be taken up with consultations or by reading and writing on these subjects, for he must be able, as we may say, to act as both field-superintendent and household-superintendent of the commonwealth; he must be fully conversant with justice in its highest aspects, for without that no one can be just; and he must not be ignorant of the civil law, but his knowledge of it should be like the pilot's knowledge of the stars, or a physician's knowledge of physics; for each uses his knowledge in his own art, but does not allow it to keep him from his own special duties.

You see, that has something to do with the whole question of theory and practice, or the philosophic and political life which we met at the beginning and which we will meet again. You see, he must have knowledge, he must be perfectly experienced in the highest right, literally translated, the highest aspect of justice, and he must be familiar with that, but not as superlatively as in the other. Now the point which he emphasizes here is this. He must have studied them. Even in order to know the civil law he has to read and write. But still more so for understanding that highest right, which is of course what the philosophers teach and not the Roman law,

(Isn't there an ambiguity here? Is it what the philosophers teach or is it ancient Roman custom? The entire book emphasizes very strongly the importance of custom and he seems to assert the ancient custom is the substance of the state.)

But I would say that if you distinguish *jus civile*, civil law, from another, much higher, law . . .

(End of reel; a few sentences were lost in changing the reel.)

. . . for this highest life. But this is all in the service of practice. There is no supremacy of theory. That is perfectly clear up to this point.

In paragraph 8 I believe there is something. Let me see if I can find that. There is a passage in a letter from Cicero to Atticus, his friend Atticus, in which he refers to the subject of the fifth book of the Republic. And he says there that that moderator, that ruler of the commonwealth, to whom we wish to refer everything. The subject of this book seems to have been, as appears later also from a passage in the fragments, the ruler in an emergency situation, the dictator. You know, the dictator was a Roman institution. And I am sure there is some connection between this statesman, with unusually wide powers, and the monarchist sympathies which Scipio has expressed at the beginning. In the first book, when he was asked by Laelius which of the simple regimes he regarded as the best, he had said monarchy, though he had admitted that no simple regime is desirable, only the mixed regime. Now the practical meaning, and that has been much emphasized in the literature on the Republic, is that Cicero was aware of the fact that the traditional Republican regime needed a much stronger monarchic support in these emergency situations. And so that, while Cicero was a member as you know of the Senatorial party and therefore absolutely opposed to Caesar, he seems to have anticipated such a necessity. And there is a theory according to which quite a few of the changes made later on

by Augustus were based—you know, Augustus, who pacified the senatorial party, don't forget that; he was the heir to Caesar and his support came not from the senatorial party but from the popular party—that these changes of Augustus were somehow an execution of Cicero's political testament. This was suggested some years ago by a German scholar and has become I suppose a part of the current lore. I do not know whether that has been proven, but I regard it as possible from such remarks like this.

We come now to the sixth book. You see, we have only fragments of the fifth book with which we cannot do much here. Now here in a Latin manuscript, a commentary on Cicero's book on invention, which is not in your edition, this statement Cicero says in the Republic that the guide or ruler of the republic must be a man of most outstanding and most learned, so that he be wise and just and temperate and eloquent. It is interesting that courage is replaced here by eloquence, not that he regarded courage as superfluous; that was taken as a matter of course. So that he could easily express his thoughts for the role of the plebs. He also, the manuscript continues, must know the law and must know Greek letters. And this is proved by the conduct of Cato, who in his oldest age expressed how much he had learned from the Greeks by studying their books. This book has the function, of course, which no Greek book ever had, the additional function of justifying the study of philosophy and rhetoric as Greek disciplines. Because of national prejudice, which was inevitable.

Now we come to the famous dream of Scipio, with which the book ends. Scipio, when he was in Africa visiting Masinissa, the king of Numidia. Where is that? What is that now? That would be Algiers, or thereabout. West of Carthage. Or Libya.

(In the vicinity of Tripoli.)

Now Masinissa was an ally of the Romans against the Carthaginians. And Masinissa was reminded by Scipio of the elder Scipio Africanus. I leave this open for the time being because much depends on that. And then they had a conversation about political matters. Scipio asks Masinissa about his kingdom, and he asked me about our republic. You see that the distinction between kingdom and republic, the technical distinction, is of course very old. There is no similar distinction in Greek. If you think of the classical doctrine of the regimes—kingship, aristocracy, democracy, oligarchy—there is no clearcut distinction between kingship as monarchic and republic non-monarchic. But in Latin that is very old as you can see here. And then, since they had been talking about political matters, he dreamt of them. And since he was so forcibly reminded of the elder Africanus, he dreams of the elder Africanus. Now let us turn to paragraph 12.

(Isn't it significant that the elder Africanus foresees Scipio's career and doesn't indicate immediately . . . inaudible . . .)

Yes, you can say that. One thing is important. You pointed out that this corresponds to the end of the Republic, and that is perfectly correct. But the Timaeus also comes in, and also the Phaedrus. But especially important is Phaedo. Because Cicero places the dialogue in the year in which the younger Scipio, this character, dies. That is a kind of dying speech. Now Scipio tells us this dream. When he

tells it he knows everything, his whole career, doesn't he? That remains ambiguous. What he does not know yet is whether he will be murdered or not. He was, in fact, murdered. But he didn't know that. So you see, there is this ambiguity. Did he dream that, say thirty years ago, the whole life in advance, and then that would have been a true prophecy of the older Africanus. Or does he tell it now, knowing empirically what is happening and has happened in the last thirty years. That we don't know.

Now let us see. Let us read paragraph 12.

Then, Africanus, it will be your duty to hold up before the fatherland the light of your character, your ability, and your wisdom. But at that time I see two paths of destiny, as it were, opening before you. For when your age has fulfilled seven times eight returning circuits of the sun, and those two numbers, each of which for a different reason is considered perfect, in Nature's revolving course have reached their destined sum in your life, then the whole State will turn to you and your name alone. The senate, all good citizens, the allies, the Latins, will look to you; you shall be the sole support of the State's security, and, in brief, it will be your duty as dictator to restore order in the commonwealth, if only you escape the wicked hands of your kinsmen.

You see, that is very ambiguous. If you read it a bit skeptically, and simply say, well maybe Scipio is mistaken about what he dreamt thirty years. What does he say now? He raises a claim to dictatorship as the only possibility of saving the Roman republic. He tells us that a quasi-divine being, his father, had told him that the salvation of Rome depends on you and on you alone. You see, it depends on whether you believe that Scipio had that dream. And, of course, we know nothing about that. Nor did Cicero know anything about that. He invented that. But this ambiguity is necessary. Africanus raises here a claim to dictatorship in Rome based, surely primarily on his ability, but imputing this legitimation to a divine being, a divinized being, his father. And this reference to a critical moment of his life; he might be killed any moment, now, and this extreme situation; and he was killed.

Now let us see the irony of Scipio in the sequel.

Laelius cried aloud at this, and the rest groaned deeply, but Scipio said with a gentle smile: Quiet, please; do not wake me from my sleep; listen for a few moments, and hear what followed.

You see, he, in a way, is still in a dream. Or his dream is as much a state of awakeness as his allged dream. Now let us read the immediate sequel, what his father tells him.

But, Africanus, be assured of this, so that you may be even more eager to defend the commonwealth: all those who have preserved, aided, or enlarged their fatherland have a special place prepared for them in the heavens, where they may enjoy an eternal life of happiness. For nothing of all that is done on earth is more pleasing to that supreme God who rules the whole universe than the assemblies and gatherings of men associated in justice,

which are called States. Their rulers and preservers come from that place, and to that place they return.

You see, here he seems to assert only the immortality of the souls of rulers. And the highest god regards nothing as more acceptable to him, at least any rate of earthly things. He does not mean that it is simply the best in the eyes of the highest god, but only the best of what takes place on earth. So, in other words, Scipio has been given this function of saving Rome, and as his reward the promise of eternal life. Yes. And now a change takes place in the next paragraph.

Though I was then thoroughly terrified, more by the thought of treachery among my own kinsmen than by the fear of death, nevertheless I asked him whether he and my father Paulus and the others whom we think of as dead, were really still alive.

Surely all those are alive, he said, who have escaped from the bondage of the body as from a prison; but that life of yours, which men so call, is really death. Do you not see your father Paulus approaching you?

When I saw him I poured forth a flood of tears, but he embraced and kissed me, and forbade me to weep. As soon as I had restrained my grief and was able to speak, I cried out: O best and most blameless of fathers, since that is life, as I learn from Africanus, why should I remain longer on earth? Why not hasten thither to you?

Not so, he replied, for unless that God, whose temple is everything that you see, has freed you from the prison of the body, you cannot gain entrance there. For man was given life that he might inhabit that sphere called Earth, which you see in the centre of this temple; and he has been given a soul out of those eternal fires which you call stars and planets,

We will stop here for a moment and try to understand it. Now at this point Africanus, the old Africanus, is replaced by Paulus, Lucius Aemilius Paulus. Now the older Scipio was our Scipio's adopted father. Aemilius Paulus was his natural father. You know, in Rome the adoption played a very great part, and it was not so rare and limited as it is in other countries. And Scipio, the son of Paulus, had been adopted by Scipio. What does this mean, this change—from the adoptive father to the natural father? Well, the question discussed here is, of course, the same as that discussed in Plato's Phaedo. If the heavenly life, the life after death, is the good life, why not commit suicide? Or why pay any attention to any of these things and particularly to politics? And to which the answer is given here, just as in Plato's Phaedo, that man will come to this after death only under the condition that he has done his duty on earth. That means, in the highest sense, political activity. In other words, they are arbitrarily linked—political activity and eternal life. And therefore that is the only way that man can get that.

(Isn't it important that the duty to God is only to inhabit the earth, whereas the political duty is a duty to the fatherland . . . inaudible . . .)

You mean at the beginning of paragraph 16. Yes, surely. This sentence which you read before, paragraph 15, is of course in itself

very ambiguous. Men have been generated under this condition and under this law—that they should "qui tuerentur illum globum" that they should safeguard or contemplate, the word has two means; let us take the least controversial—that they should protect, or cultivate you could say, thinking of the biblical commandment, that they should do their duty on earth. And that means, in the highest sense, that they should lead the political life.

Now at the end of paragraph 16, where our Scipio is again speaking.

When I gazed in every direction from that point, all else appeared wonderfully beautiful. There were stars which we never see from the earth, and they were all larger than we have ever imagined. The smallest of them was that farthest from heaven and nearest the earth which shone with a borrowed light. The starry spheres were much larger than the earth; indeed the earth itself seemed to me so small that I was scornful of our empire, which covers only a single point, as it were, upon its surface

Now you see that is developed in the sequel, and we read some other sections about it. Scipio, in this vision, in a dream, sees the heavens, the universe, and therewith the smallness and lowness of the earth. According to this old cosmology the earth was low and in the center, around which the heaven turned. The earth is low and small, but still smaller of course is the Roman empire. So there can be no inducements of grandeur inducing a man who knows the whole to dedicate himself to political life. A complete purgation from glory is the consequence of an understanding of the whole in which we live. Both in terms of space and in terms of time, as will be later developed. So insignificant is glory and so perishable that no sensible man can be prompted by glory. And then it is true what you say, the motivation can only be duty. But since this duty is mere duty, without intrinsic attractiveness, there must be some reward for that duty. And that is immortal life. And the question is, how relevant is that for deciding the question of the supremacy of the philosophic or the practical, or political, life? That is the question. But you see already this much. Scipio, you remember, who originally had disclaimed all knowledge of the cosmos, all knowledge, and concerned himself only with Roman politics and his immediate duties as a citizen or statesman, proves to possess that knowledge. But this knowledge comes out only at the end of his life and only in a dream. His whole waking activity is dedicated to the Roman empire. His whole public activity is practical, political. But there is a kind of strictly private life, for nothing is more private than a dream. And there is a strictly private life in which he is aware of and longing for the whole, beyond all things Roman.

Now there are some passages which we could consider. The end of paragraph 18.

But below the Moon there is nothing except what is mortal and doomed to decay, save only the souls given to the human race by the bounty of the gods, while above the Moon all things are eternal. For the ninth and central

sphere, which is the earth, is immovable and the lowest of all, and toward it all ponderable bodies are drawn by their own natural tendency downward.

May I mention one thing, on which I have not checked but I just remember it. I believe there are nine characters in the dialogue just as there are nine globes. There is one immovable in the center; that is the earth. In the dialogue Laelius sits in the center. That, I think, is of some relevance. Laelius is a very respectable man, but somehow he, in his severe limitations—to the law, to things Roman, to the human things only, this Socratism—corresponds to the earth. Now go on.

After recovering from the astonishment with which I viewed these wonders, I said: "What is this loud and agreeable sound that fills my ears?"

And then there develops the doctrine of the harmony of the spheres. And into this we do not have to go now. Let us look only at the end of this paragraph, on page 273.

But this mighty music, produced by the revolution of the whole universe at the highest speed, cannot be perceived by human ears, any more than you can look straight at the Sun, your sense of sight being overpowered by its radiance.

Now a bit before, where he speaks of the learned men.

Learned men, by imitating this harmony on stringed instruments and in song, have gained for themselves a return to this region, as others have obtained the same reward by devoting their brilliant intellects to divine pursuits during their earthly lives.

How do you understand that?

(I understood it as meaning devoting themselves to philosophy.)
Yes. I believe there is no possible alternative. They devote themselves to this contemplation while they live as humans on earth. Now that is of some importance. The political men, as described before, would dedicate himself entirely to political activity, and would then get bliss as a reward after death. His life on earth would lack any bliss. It would only be a life of severe duty. The case of the theoretical men is different. The theoretical man has a foretaste of this bliss already in this life.

Now let us turn to paragraph 20. That is on the bottom of the same page.

I see that you are still directing your gaze upon the habitation and abode of men. If it seems small to you, as it actually is, keep your gaze fixed upon these heavenly things, and scorn the earthly. For what fame can you gain from the speech of men, or what glory that is worth the seeking? You see that the earth is inhabited in only a few portions, and those very small, while vast deserts lie between those inhabited patches, as we may call them; you see that the inhabitants are so widely separated that there can be no communication whatever among the different areas; and that some of the inhabitants live in parts of the earth that are oblique, transverse, and sometimes directly opposite your own; from such you can expect nothing surely that is glory.

Besides, you will notice that the earth is surrounded and encircled by certain zones, of which the two that

are most widely separated, and are supported by the opposite poles of heaven, are held in icy bonds, while the central and broadest zone is scorched by the heat of the sun.

We don't have to read this completely. This is the older notion, you know, of the different zones--there are the two temperate zones, and the extremely cold zones beyond them and then there is one which is simply hot, and so on. Now human life, civilized life . . . inaudible . . . is possible only in the moderate zones. And there is no possible communication between them because of the heat, the extreme heat of the central section, of equatorial Africa. So, in other words, any possible glory which any man can find in the moderate zone would be within the moderate zone. Because the others would never know of it. Now there are other things which are also of importance. So glory is an extremely petty thing. Now how do you understand, at the beginning of the passage which you now read, that Africanus speaks again to him, and no longer Paulus. How is that? (I'm not sure. It seems that Africanus speaks of political things and political rewards, whereas Paulus does not . . . inaudible . . .) I also don't quite understand it. I also regard it as possible that the difference between the natural father and the adoptive father ceases to be significant in the sequel. But, to begin with, it is surely amazing that the doctrine of the whole, of the universe, is presented first by the natural father, by the father according to nature, as distinguished from the father according to convention.

Now let me see. This is then fully developed--the pettiness of the Roman empire. You have a statement to the same effect in Plato's Theatetus, in the so-called excursus, where these remarks occur, for example--that men are proud of their descent, that they have fifty ancestors, or something. What does that mean? Everyone has ten thousands of ancestors, and god knows whether the poorest beggar today did not have more kings among his ancestors than a king today, and this kind of thing. This simple consideration which shows the unreasonable character of the most common forms of pride. That is here developed. With the crucial implication regarding the glory motivation of political life.

Surely this is part of the story, although it does not explain the whole. The account of nature is given by the natural father, and a probable tale is given by the adoptive father. But that needs some qualifications which I am not now able to give.

Now let us read only the end of paragraph 29, because that seems to conclude also the argument regarding the two ways of life. First he has given a proof of the immortality of the soul, which is almost literally taken from Plato's Phaedrus, or the tenth book of the Laws. And now he goes on.

And as a spirit is the only force that moves itself, it surely has no beginning and is immortal. Use it, therefore, in the best pursuits; And the best tasks are those undertaken in defence of your native land; a spirit occupied and trained in such activities will have a swifter flight to this, its proper home and permanent abode. And this flight will be still more rapid if,

while still confined in the body, it looks abroad, and, by contemplating what lies outside itself, detaches itself as much as may be from the body. For the spirits of those who are given over to sensual pleasures and have become their slaves, as it were, and who violate the laws of gods and men at the instigation of those desires which are subservient to pleasure—their spirits, after leaving their bodies, fly about close to the earth, and do not return to this place except after many ages of torture. He departed, and I awoke from my sleep.

What, then, is the conclusion of this speech as regards the theoretical and the practical life?

(Well, I found the conclusion fundamentally ambiguous. He says the best tasks are those undertaken in the defense of your native land. And this implies to me that the statesman, who defends his native land, in fact returns to heaven first and obtains the eternal reward. But then, at the conclusion of the paragraph, he states that it is necessary that the desires be mastered in order that one have a rapid return to heaven. I can see the possibility of conflict between these two.)

But, on the other hand, I think if you read the beginning of this paragraph you see . . . Yes, the man dedicating himself to political life will reach immortality faster. And he will reach it still faster if he contemplates, while on earth, the things which are outside, meaning the whole. So, in other words, the solution to the problem would be the statesman inspired by theoretical wisdom. That would be the highest solution. But the question, of course, is this. What about men like Plato who, in a way, also fulfilled their political functions, as he said in the first book? Because by thinking about the political problem and giving guidance in political matters, are they not in the same good position as the theoretically inspired statesman. You know? That is not immediately clear. There is a passage, a parallel passage, somewhere in a writing of Cicero. Let me see if I have a reference to it. I thought I might read it to you. In an academic writing of Cicero's, a skeptical writing, a presentation of the Skeptic position, Cicero says: "And I do not believe that those questions of the physicist (cosmological questions) should be ruled out, for the consideration, contemplation of nature is, as it were, some natural food for the mind. We become elevated and higher. We despise the human things while thinking of the higher and celestial things. So that we condemn what is merely ours as **puny** and of no account. Even the investigation of those things **which** are the greatest and the most obscure has an intrinsic pleasure, **fills** the mind with pleasure." There is no question that Cicero in **every** stage regarded cosmology as something of the highest significance. It is not so clear whether he decided the old issue of the theoretical and practical life unqualifiedly in favor of the theoretical life. That is a question. And surely it is the great theme of this dialogue.

But now we have to turn to a few points which we left unfinished last time. Before I do that, however, I would like to see whether there are any points which you have to bring about this dream of Scipio or, for that matter, any other subjects of books four through

sia. Yes, this is a very difficult question here--this change, first, from the adoptive father to the natural father and then from the natural father to the adoptive father again. Well, if one takes an old rule of interpretation, then one would have to say that what is in the center is most important. And the central figure is of course the natural father here. Adoptive father--natural father--adoptive father. You had a question.

(I was somewhat disturbed by Cicero's return to a supernatural sanction for . . . inaudible . . . We think of the higher law as being accessible to reason, but apparently he is saying that the statesman's life is not the life he would choose on the basis of reason, but rather on the basis of an otherworldly reward. So that if you were using reason itself you would not choose this life. Is that a correct interpretation?)

What is the premise of this whole argument?

(Well, the premise seems to be that there is a world of difference, and essential difference, between reason and the supernatural life. I think there is no such difference.)

But there is a question which cannot be settled on the basis of the Republic alone. It could be settled if this were complete. But we don't have the introduction to the dream of Scipio. We have only fragments which deal with the question whether one should tell such stories, the truth of which one cannot be certain. In other words, that was not in Cicero a firm belief. There is no question about that. It was at most a plausible opinion, not more than that. But still, even a plausible opinion must be interpreted. Now what is the premise of this whole argument?

(Mine or of Cicero's?)

Of Cicero's I mean. The question concerns the best life. And here it seems to be suggested that the best life is possible only in after life. Now why is it not possible in this life according to this? What essential defect does this life have which might be supplemented, or completed, in the life after death? What are the essential characteristics of the good, of the best life. Because if we know that and see that our life lacks them essentially, then we must say either there can be no solution to the human problem or else it can be found only after death. That is the outline of the problem.

(I was going to say that it seems to be that the best life is somehow the happy life.)

Sure, that goes without . . .

(O.K., and then he turns around and says, well, the best life is the political life, but that is impossible because it is an unhappy life.)

That the best life is the happy life is, in the classical discussion, trivial. The best life is the life of perfect contentment. Say of perfect contentment, and then the qualifications can be brought in later. The life of perfect contentment. Now let me add one more point. You can say that a moron can be perfectly content. Is this the happy life? And there the Greeks said, of course not. And not to go into deeper questions and speaking empirically, what the Greeks meant by a happy life has two characteristics. First, a life of contentment and, second, a life of enviable contentment. Now no one in his senses envies a moron. Under no conditions would you want to become a moron.

(Inaudible. . .)

Now we come to that later. First we must understand what the happy life is, or the best life, and then we must see which of the two lives

fulfills the conditions of the happy life to the highest degree. Now why does the political life not fulfill the qualification of bestness as defined?

(Because it is not intrinsically satisfying to the same degree as the philosophic life.)

Alright, but why not? Could one not say that the consciousness of having done one's duty is sufficient. That is a view very common to us from modern times. It is somehow implied in Kant, who discussed this great problem. The only genuine contentment . . . inaudible . . . consists in having done one's duty on whatever level. On whatever level. Because why should the deed of the statesman be intrinsically superior to that of a very simple man who does his duty as a simple man. Both can do their duty and they can have the contentment following from their awareness that they did their duty.

(Inaudible . . . and that this is the highest intrinsic satisfaction. And hence the statesman, aware of this satisfaction, would envy the philosopher.)

(Inaudible . . . you know that you would choose the best life. Now there is the assumption in Cicero that mere knowledge would not lead him to choose the statesman's life.)

That is another question, but it is surely the condition—that you know what the best life is. Whether you choose it or not may necessarily follow from the knowledge, as Plato assumed, or it may not necessarily follow, as other people assumed. That is another question. But the knowledge of what this consists in is essential for choosing it, as a condition of that. This much is clear.

But what is the defect of the political life?

(One of the difficulties would be the frustrating nature of the materials, and things like that, that you are dealing with. That you realize what should be done and yet you are forced to concede, to lower to some extent, to match what can be done. And this constantly would frustrate the statesman.)

Good. And what about the consideration of glory, which apparently plays a role here. Well here the question is simply that glory is a splendid delusion. Even if you think of the cases of the greatest glory achieved by any man. Think, for example, of the glory of Plato, who is still a best seller. Then what is that in the light of Scipio's dream. Sooner or later, Plato and his writings will completely have perished. In ten thousand years, according to Cicero, or millions of years, and so on. Everything earthly, everything human perishes. Everything human is perishable, and nothing perishable can satisfy man's desire for the eternal. The eternal is accessible only through knowledge of the eternal. Only through knowledge can man consciously partake of the eternal. That is surely one crucial point. But from this it would clearly follow—the supremacy of the theoretical life. What Cicero is somehow driving at, and whether this is only an esoteric teaching or whether it is a serious teaching is a long question, is to give the same status, at least the same . . . Well, let me state it this way. The best life would have to have two characteristics. It would have to be a life of the greatest nobility. And that could also be open to the political life, at least from a certain point of view. But the greatest nobility must go together with the greatest pleasure. And that is especially connected, essentially connected only in contemplation,

according to their view. Not, say, in political activity. Which may or may not lead to this kind of gratification. Toil, frustrating toil, is an essential part of the political activity. And that, in their opinion, is not true of the theoretical activity. This leads to a very long question, because one can say what misery can exist in the pursuit of truth. It is good from this point of view to look occasionally at Pascal, where the case against the theoretical ideal is presented with great strength.

(Can't one argue that . . . inaudible . . . and on what basis do you say that one perfection is superior?)

Well, that is developed at some length in the Aristotelian ethics. Say, that the moral virtues are a perfection of reason with a view to the sub-rational. For example, courage has to do with the proper attitude toward fear. Fear belongs to the sub-rational. So the virtue of courage consists in the proper use of reason regarding the sub-rational, and the same is true of all moral virtues. Whereas with the intellectual virtues reason is entirely with itself. The sub-rational is transcended.

(Inaudible . . .)

Because all ruling has ultimately this kinship to the moral virtues rather than to the . . .

(Inaudible . . . the ruling attribute. It seems to be a part of nature of reason itself to rule.)

That is true. But this again would be an argument in favor of the theoretical life. Because the practical men, on the highest level, take certain things for granted which they, as practical men, cannot fully understand. Well, using present day language, the values. He takes values for granted. True or false. But the man who goes beyond him by discovering the truth about values is his ruler. Because the decisive directives are given by him who is conversant with the highest questions. Therefore, from the point of view of rank or nobility, the theoretical function is higher than that of practice.

(Inaudible . . .)

But then you . . . But that is a question whether we do not ultimately arrive at subjects where it does not make sense to say they are for the sake of human action. All actions and all human activity ultimately rests on certain things which are not for the sake of action. In the older cosmology it is very simple to say that heaven exists for the sake of earth, but it is absurd. The earth depends on, and man on earth depends on heaven--rain, light, and so on. And it is not a two way street. And therefore, from all these points of view the classical philosophers asserted the supremacy of the theoretical way of life. The difficulty arises empirically from the fact that there are a variety of philosophic schools--the Epicureans, the Platonists, the Aristotelians--all claiming to be happy in the possession of the truth and by the possession of the truth. But most of them must be wrong, because these truths are incompatible.

Therefore the question arises, well is not then the inquiry, the investigation, the seeking of the truth, that which constitutes man's highest nobility and his highest pleasure?

(But on what grounds do you show that this is most characteristic of man than . . . inaudible . . .)

No, but again, if you start from this--that that is highest which is

particularly human, then you come to this. Because the passions, the control of which is the state of moral virtue, are common to man and the brutes. The control of them is characteristic of man, but it is the control of the bestial in man. Whereas the pure use of reason in contemplation has nothing whatever to do with that. This was the way in which they argued.

(Is not the only reason, or perhaps the chief reason, for putting down the dream the fact that this was the only way he could show the superiority of . . . inaudible . . . life because of these frustration and so on . . . inaudible . . . because somehow perfection and happiness and pleasure . . . inaudible . . . if this is to be desired . . . inaudible.)

Yes, sure. This, of course, in itself would mean only given, from every other point of view that the theoretical life is the right life, the case for the political life can be made only by linking it up with the divine commandment, according to which the gate, the way to heaven is chiefly through political action. The political life, being imperfect regarding happiness, it is justified as a way leading to happiness afterward. Empirically the contemplative life is the pleasant life. Empirically the political life is not pleasant. But if it is to be given the high status which Cicero wants to give it here it must be the way, or the chief way, to the life of bliss. It is only a preparation for, and a condition for, the perfect life; it is not in itself perfect. As for the fact that this is a dream, and that these arguments are developed in a dream, that is of course ambiguous. After all, this doctrine had been presented (inaudible) by various people, the Pythagoreans and others. But here it is presented as a dream, which could mean, in the first place, of course and does mean that we don't know that it is true. These are (inaudible) or whatever have you but not (inaudible). It also refers, I believe, to the fact that it is a strictly, and that is connected with the first, that it is a strictly private thing. The dream is distinguished from the being awake by the private character. Being awake we have the same world in common, but in dreams each one has his own world. This is the private world of Scipio. Private in what sense? Because it is merely opinion, not knowledge. Because he keeps it private. His public speeches are all predicated on the premise that to be a servant of Rome is the highest thing he could possibly do. But he is aware of the questionable character of this public opinion, and the maxim following from it.

(Inaudible. . .)

Alright. What would it mean? It would mean that a man who combined the perfection of the theoretical man with the highest perfection of the practical man would be a more complete man than the one who exercises only the perfection of the theoretical life. Now if it is true that the one perfection is (inaudible) than the other, then it is of course not necessary that the combination is superior to the highest element.

(Perhaps it is that the perfection of this being requires this combination of the higher and lower.)

You mean that something would atrophy if he doesn't cultivate both.

(Yes, I mean, as Aristotle pointed out, to perfect . . . inaudible . . . is somehow to transcend the human, to be more than human. Whereas the properly human life is the political life . . . inaudible . . .)

There occurs somewhere a very strong statement about the divinity

of which man is capable of. Do you know where it occurs?

(Of the nobility?)

Of the divinity. The divinity of which man is capable. I do not remember now where it was. Oh yes, paragraph 26, on the bottom of 279.

He answered: "Strive on indeed, and be sure that it is not you that is mortal, but only your body. For that man whom your outward form reveals is not yourself; the spirit is the true self,

True self are, of course, not the words that occur in the Latin . . .
(End of reel. The seminar apparently went on for several more minutes, but not sufficiently long for the tape to be changed and additional material to be recorded. For all practical purposes, this is the end of this particular seminar.)

... Your argument did not become fully clear to me. I believe you made one external mistake: you studied the whole Laws for this purpose. Now you are perfectly free to do so, but considering the time required for preparing an interpretation, that is too much. My difficulty is this. You suggested that Cicero is not simply a natural law teacher. In your opinion Cicero says that the natural law is not the true doctrine, but a politically salutary doctrine. And you gave some arguments for that. But here we have to stop and say, well, if it is not true, why is it not true? Why is it not true according to Cicero? Now the answer that you gave seemed to me that you tried to link up the denial of the theoretical truth of the natural law teaching with Cicero's preference for the theoretical life. That I understood. That you made this assertion, I mean. But you did not make clear why this follows. Why can't you have both the supremacy of the theoretical life and the natural law.

(Well, according to what I read of the natural law doctrine in the Laws and other books, . . . Well, first of all, the whole universe is a city. And every man must prefer the whole to any part. He must have a concern for his fellow men. And also he must prefer the commonwealth to any single individual. And prefer the commonwealth to any single individual. And prefer the activities of the commonwealth to the activities of any single individual.)

But where is the difficulty here. I see, universal beneficence, beneficence not limited to one's (inaudible), this is one of the first of the natural laws.

(And then the interest in your fellow citizens. There is a certain link in that you have an activity involved here.)

I see now what you are driving at. But that would not lead to a denial of the natural law. It would simply mean that the natural law as it can be practiced by the citizen as citizen is not the natural law in the full sense of the term.

(I think that is true.)

In other words, only if the natural law must be a legitimation of civil society, as a particular society. And only if there is an essential conflict between civil society, the particular society, and universal philanthropy would this follow. I recognize now parts of this argument you were developing.

(I realize this wasn't the fundamental thing here . . . inaudible . . . but I thought that the doctrine as put forth in the Laws . . . inaudible. . .)

Well, we must see that. I have some doubts as to whether you are right on this point.

Incidentally, it was good of you to consider On the Nature of the Gods and On Divination. I may mention in passing that Cicero's On the Nature of the Gods became the model of Hume's dialogue concerning natural religion.

We will not try to follow the argument of the first book of the Laws, and have recourse to some of the parallel passages. The chief parallel passages, as you will remember, are the third book of the Republic, where Laelius presents the natural law doctrine, but also this brief passage in the first book of the Republic, where Cicero speaks of that universal natural law, with its implications for

private property, to which we referred. How they are related, these three statements, is of course a great problem.

Now the Laws are a dialogue, as you have observed. But a dialogue in which Cicero is the chief participant. That, I think, was the character of the Aristotelian dialogues, of which we have only fragments today. You know, in Plato's dialogues Plato never appears as a character. He is only referred to twice, but he never appears. In Xenophon's dialogues, Xenophon appears all the time. He says I was present when Socrates said that, and so on. But Xenophon is never the chief character. Socrates is the chief character. Now in the Aristotelian dialogues it seems that Aristotle was the chief character, and that is the method Cicero followed. It is an important question, to which I do not have the answer, whether there is not some connection between Cicero's substantive philosophy and this method of presentation. This is certainly a reasonable question.

Now at the beginning, the first word of the dialogue is "wood", lucus, meaning something dark. And that has something to do with the fact, which comes out in other ways, that it is a very hot day and they seek shade. Whereas in the Republic they sought the light. So that indicates something at the very beginning—that the theoretical level of the Laws is lower than that of the Republic. There is a reference to an old oak tree, which Cicero had celebrated in a poem, "Marius". Marius, the famous politician, general, statesman, who came from the same small town as Cicero came from. And Cicero celebrated, well, I do not know whether Cicero celebrated him, because Marius was the leader of the popular party and not of the aristocratic or senatorial party. So we have here already an allusion to the fact that we are in a different time, after the civil war. The great Roman republic, which Scipio had celebrated when it was already going down, had now practically disappeared. The question comes up here, is this the same tree that Marius had himself seen or planted. And the question is can you not poetically invent oak trees which have never been true. And that leads to the whole question of the truth of tradition, which need not be observed by poetry but only by history. Cicero is advised by his companions, his brother Quintus and his friend Atticus, that he should write history. And this is so particularly fitting because of the close connection between history and rhetoric. Now this may seem strange today, where rhetoric does no longer exist in the way in which it existed. Can you understand that relation between rhetoric and history from what you know of the ancient historians? A very obvious and well known fact.

(Could it be that the facts which were being recited were extremely well known. I meant all historians wrote about pretty much the same thing, and the difference was in the way in which they were able to write it, the quality of their style, and so on. Perhaps also their experience in politics might give them a clearer idea of what had gone on.)

I don't know whether it is necessary to refer to that. It is a very simple thing. The historian, in the old sense of the term, was a man who described the deeds and speeches of man. Not only the deeds but also the speeches. And therefore he had to be a speech writer. Because it was understood that a verbatim report of the speeches

as they were actually delivered would be impossible. What in modern history would be perfectly acceptable—I mean that you insert the Gettysburg Address into a history of Lincoln—men like Herodotus or Cicero never would have done. They would have tried to rewrite the Gettysburg Address in order to bring out both what Lincoln actually said, but also to bring out at the same time the whole being of Lincoln. That is the whole idea. That requires a very high art. And that is what they were trying to do here. The mere fact that history is an account of speeches, but that these speeches must not be verbatim reports but must be restatements which bring out what the speaker could never have brought out, made it necessary.

Now the question comes up whether Cicero should not become a historian. And, if he would become a Roman historian, what he should deal with. They discuss in this context the poverty of ancient Roman historians. The point here is that the Roman historians are terribly poor. This thing which has been perfected by the Greeks must be imitated by the Romans—a theme which we have mentioned before. And this question of the poverty of the Roman historians is akin to the question whether these old traditions of early Rome are true or not. In other words, this rationalistic element is clearly there. Cicero, however, would prefer to write a history of his own time, because the greatest scenes which would be found there would be of course his own deeds, the salvation of Rome, and so on. But he doesn't have the time. And so he will leave it to his old age. But he is not sure whether he will not then be too preoccupied with counselling at law. And this leads to the subject of law, civil law. Let us read paragraph 14, because there we come almost immediately to the question of natural law. Cicero gives here a kind of sketch, at the beginning of the book, of other pursuits which a man could have, which a gentleman could have—poetry, rhetoric, and the law. And they are all somehow rejected. Philosophy does not yet come up. It is a kind of working up his way toward philosophy. Now what does he say here in paragraph 14 (page 313.)

What subject indeed is so vast as the law of the State? But what is so trivial as the task of those who give legal advice? It is, however, necessary for the people. But, while I do not consider that those who have applied themselves to this profession have lacked a conception of universal law, yet they have carried their studies of this civil law, as it is called, only far enough to accomplish their purpose of being useful to the people. Now all this amounts to little so far as learning is concerned, though for practical purposes it is indispensable. What subject is it, then, that you are asking me to extound? To what task are you urging me? Do you want me to write a treatise on the law of eaves and house-walls? Or to compose formulas for contracts and court procedure? These subjects have been carefully treated by many writers, and are of a humbler character, I believe, than what is expected of me.

In other words, the mere lawyer, that is something at which they looked down. Just as Plato and Aristotle did. There is a certain change, I believe, which has taken place. We regard law now as theoretically more relevant than the classics did. We would assume that in all

positive law we find something of theoretical interest. The ancients had a much loftier view. From this point of view, questions of civil law, something merely determined by positive law, would be of no serious interest. Cicero despises the civil law as such. He doesn't deny its immense practical importance, of course, but despises it from the theoretical standpoint as distinguished from the *jus universum*, the universal law. I believe this is the Latin translation of the Greek word for the common right. Now let us read the sequel. In other words, the law is something Cicero wouldn't be interested in, as little as in poetry or history. But law leads up to the question of its principles, its roots, and that is what he calls here the universal right. And that is his theme. With that he is seriously concerned.

Yet if you ask

That is what Atticus says,

Yet if you ask what I expect of you, I consider it a logical thing that, since you have already written a treatise on the constitution of the ideal State, you should also write one on its laws.

Why does he translate this "logically"? It follows. Why should one say logic? I have heard people, simple people, uneducated people say of something where they meant simply that it was true, and they say, yes, that's logical. We should be a bit more careful. And, of course, he says "about the best condition of the commonwealth" not "of the constitution of the ideal state". Continue.

you should also write one on its laws. For I note that this was done by your beloved Plato, whom you admire, revere above all others, and love above all others.

That is a point which goes through the dialogues. The philosopher most admired by Cicero was Plato. There is no question about that. Not the Stoics, or anyone else. In this sense Cicero surely is a Platonist. And then Cicero raises the question what they expect him to do. In other words, it will be a kind of imitation of Plato's Laws, which we have here. But with this understanding. Plato's Laws were in fact in Plato an idealized version of the Athenian laws; here we get a justification of the Roman laws.

Now in paragraph 16 he indicates the theme of the book, page 315.

And you are wise, for you must understand that in no other kind of discussion can one bring out so clearly what Nature's gifts to man are, what a wealth of most excellent possessions the human mind enjoys, what the purpose is, to strive after and accomplish which we have been born and placed in this world, what it is that unites men, and what natural fellowship there is among them. For it is only after all these things have been made clear that the origin of law and Justice can be discovered.

In other words, we have to go back to the nature of man, and that means in particular to the nature of the human mind. In order thus to make clear the purpose of human life, for the sake of what we have been born. And then what brings men together. And then, a different subject, what is the natural society among men. This is the basis for any understanding of law. This is somewhat restated in the following paragraph, at the bottom of this page. In other words, what he excludes at the beginning is that they will not begin with the Roman

civil law, with the edicts of the praetor, or something of this kind. Out of the innermost part of philosophy, the doctrine of the right will be drawn.

(Before, in the Republic, he had banished the poets and rhetoricians. In the Laws he begins with these. Is it a question of upgrading these two.)

Let us be careful. What you suggest now suggests that the Republic ends with the degrading of orators and poets. Is this true? It ends with the dream of Scipio. And where did we find the section on the poets? In the fourth book. So the Republic does not end with it. In the Republic, at least in the part which has been preserved, we find only these derogatory remarks about poetry and rhetoric. Here. . . But do we not find here in a way the same thing?

(Yes.)

Only he ascends here from poetry and rhetoric to philosophy.

(Inaudible . . . the poet doesn't dictate to the legislator.) Well you must not expect from Cicero in the dialogue the same subtlety which the Platonic dialogue has. But still, something of this is, of course, there. Now here it is clear. He begins with the ordinary gentleman's pursuits which are recognized--an historian, a lawyer, a rhetorician and a poet. And he ascends from that to philosophy. That leads in a way to philosophy. That is very interesting. We start from law, the most respectable, the most respectable from a citizen's point of view, and this leads, if it is properly done, necessarily to philosophy. It is conceivable that a man may be a poet and not have anything to do with philosophy, and still be a good poet. Some lyrical poetry has this character--that it doesn't make sense to ascend from there to philosophy. Some lyrical poetry surely has this character. But in the case of law it is impossible. If you begin to think about law you transcend the positive law and you are on your way to that *jus universum*, to that common right. Now let us continue with this last sentence on the same page.

But in our present investigation we intend to cover the whole range of universal Justice and Law in such a way that our own civil law, as it is called, will be confined to a small and narrow corner.

Let me see. The whole theme is that of the universal right and law, meaning of the universal right and the universal law. So the civil law, the Roman law, will be closed in in a small and narrow place.

For we must explain the nature of Justice, and this must be sought for in the nature of man; we must also consider the laws by which States ought to be governed; then we must deal with the enactments and decrees of nations which are already formulated and put in writing; and among these the civil law, as it is called, of the Roman people will not fail to find a place.

So, in other words, the fundamental and most important part is the roots of right in the nature of man. And from that we are to be led to those laws by which states or commonwealths ought to be ruled, i.e. laws which may be in disagreement with the Roman laws. And they are the models for any civil law. And then we look at our Roman law and see whether it agrees or does not agree. And if it does not agree, then that will of course have great practical consequences.

So now he begins, then, at the beginning in paragraph 18, and here is the discussion of natural law. This is given in the next few

paragraphs, and that we must read with some care. Begin with Cicero's long speech, the second paragraph.

Well then, the most learned men have determined to begin with Law, and it would seem that they are right, More literally translated, I do not know whether they are right. But that is a kind of urbane expression. Aristotle often says "perhaps", where we have no reason to doubt that he meant that is so. It is a mitigating urbane expression. But still it is not unimportant. In the light of what he will say later. They begin with the law. Now continue.

if, according to their definition, Law is the highest reason, implanted in Nature, which commands what ought to be done and forbids the opposite. This reason, when firmly fixed and fully developed in the human mind, is Law. And so they believe that Law is intelligence,

Prudence.

whose natural function it is to command right conduct and forbid wrongdoing.

Now you see, Cicero distinguishes here, if not two laws at any rate two meanings of law. The first is the highest reason inherent in nature. And the second is that—if this reason is confirmed and perfected in the mind of men, and thus has become prudence, this is law. Prudence, by virtue of which men direct themselves toward the good and avoid the evil, is not identical with this highest, with that law in the first sense. But it is derivative from it and based on it. But it is not identical with it. That is the first crucial statement about the law. Let us look at two passages in the Republic to understand that a bit better. The first is in the first book, paragraph 27 (page 49) the speech of Scipio. Begin in the middle of the page.

For only such a man can really claim all things as his own, by virtue of the decision, not of the Roman People, but of the wise.

No, "he claims everything for himself by the right not of the Roman people but of the wise." He does not say here the prudent, but the wise. "Not by any obligation of the civil law but by the common law of nature, which forbids that anything be the property of him except those who know to treat and use it." Here you see it is clear that the right of the wise, the wise human beings naturally, is here identified with the common law of nature. We must assume that even the common law of nature, as meant here by Cicero, by Scipio, is not this root of all law, this ratio summa, the highest reason inherent in nature, but also is different from that. And the other passage which we should consider is in the third book of the Republic, in Laelius' speech, paragraph 33 (211), in the second half of that long paragraph.

And there will not be different laws at Rome and at Athens, or different laws now and in the future, but one eternal

and unchangeable law will be valid for all nations and all times, and there will be one master and ruler, that is, God, over us all, for he is the author of this law, its promulgator, and its enforcing judge.

Is this the same law which exists only qua perfected in the human mind and is identical with prudence. I would assume no. That this law which exists in the divine mind is something like what is here called

the highest reason inherent in nature, which derivatively, to use Thomistic expression, by a participation of the human reason in the divine reason, is the natural law which is identified here with prudence.

(Which one would be higher--the developed or the . . .)

The ratio summa, the highest reason. What is the relation of natural law and prudence in the Thomistic doctrine? Could one there identify the natural law with prudence?

(No. The way the natural law is applied to any situation, this is prudence. When faced with the situation and you have the natural law and want to know what to do about it, how it applies to the situation, this is where prudence governs the application. But the law itself . . . inaudible . . .)

In other words, for Cicero then this law in the derivative sense, or prudence, would then have its locus in the particular decision of a human being here and now.

(Inaudible . . .)

And, of course, if prudence is the same as the natural law, then this difficulty would arise. With what right can you then speak of the unchangeability, given the fact that the prudential decisions are infinitely variable. That is a difficulty. But here we have the statement that they believe, these most wise men--he doesn't say who they are, they assert that that law is prudence.

(And this is to be distinguished from the (inaudible) position where it is said that prudence is the application of law, of the natural law.)

Yes, that seems to be the case up to this point. But we must see whether that is it. Given this passage alone, it is the obvious interpretation. But if it conflicts with other statements by Cicero in this context, you have to revise this.

(I was wondering, in view of the fact that the man who translated this translated the "prudential" there as intelligence, whether there was some basis for this. I wonder if he was aware of this and thought that perhaps the term prudence in Cicero didn't mean what it came to mean later, but rather referred to practical reason.)

I believe there is the same difficulty in Cicero as in Plato. In the Greek it is phronesis. And this is used (a) for prudence in the narrower sense of the term, concern with the human goods and in the service of that, and also in the sense of theoretical wisdom. Because, on the basis of the simple Platonic reasoning, in order to act wisely, with a view to your own good, you have first to know what your own good is. And that you cannot know if you do not know what the good of man is. And that you cannot know without further, comprehensive knowledge. And therefore Plato includes all knowledge of any significance under the heading prudence. And that is also what Cicero frequently does. But then he also uses sapientia in contradistinction to prudence. Surely, in this connection prudence has a clearly practical meaning, because he says that the power of prudence consists to command to act wisely and to forbid wrongdoing. That is to say, practical.

(In this passage then we are saying, at least thus far, that there are two laws.)

Sure. Well that corresponds to the lex eterna, in the Christian doctrine, and the lex naturalis. That is the same thing. But Cicero does not know the Christian thought. There is the famous statement of

the highest reason inherent in nature, which derivatively, to use Thomistic expression, by a participation of the human reason in the divine reason, is the natural law which is identified here with prudence.

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distinction to prudence. Surely, in this connection prudence has a clearly practical meaning, because he says that the power of prudence consists to command to act wisely and to forbid wrongdoing. That is to say, practical.

(In this passage then we are saying, at least thus far, that there are two laws.)

Sure. Well that corresponds to the lex aeterna, in the Christian doctrine, and the lex naturalis. That is the same thing. But Cicero does not know the Christian thought. There is the famous statement of

Heraclitus, I do not remember it exactly now, but it is something like the universal law, from which all human laws are derived, by which all human laws are nourished, as he says. And that is surely behind that. But here we have this intermediate stage. There is a universal law in this cosmic order. And then you have the human laws, and they are positive law. But in between there is something which is not positive, which is not dependent on human arbitrary positing, nor, on the other hand, can it be the universal law. It is the law of human conduct which is derivative from the law of the cosmic order. The distinction itself is clear. Only it is very general because we do not know what all the implications of that are.

I think the best thing is to go on and read paragraph 19, where we left off.

They think that this quality has derived its name in Greek from the idea of granting to every man his own, and in our language I believe it has been named from the idea of choosing.

What he means is this. The Greek word *nomos* was derived, as you know from the last quarter, from the Greek word meaning to assign, to attribute something to something else. Now the Roman *lex* from *legare*; the *lex*, law, from *legare*, choosing.

For as they have attributed the idea of fairness to the word law, so we have given it that of selection, though both ideas properly belong to Law. Now if this is correct, as I think it to be in general,

Now that is not properly translated—as it usually and mostly seems to be. You see, it is not a dogmatic assertion. Now if this is so, and he refers here of course not to the etymology, which is of no interest whatever, but to this relation of the prudence to this cosmic order. Continue.

Now if this is correct, as I think it to be in general, then the origin of Justice is to be found in Law, for Law is a natural force; it is the mind and reason of the intelligent man, the standard by which Justice and Injustice are measured. But since our whole discussion has to do with the reasoning of the populace, it will sometimes be necessary to speak in the popular manner, and give the name of law to that which in written form decrees whatever it wishes, either by command or prohibition.

In other words the concession to the popular mind consists merely in the fact that Cicero will condescend to call positive laws, law. Strictly speaking, they cannot be called laws. That is also a reminder of Plato. You remember from the *Minos*, for example. These decisions of a foolish multitude, without rhyme and reason, they are called laws, but they don't deserve to be called laws. So that he will do. But by law in the strict sense we will understand only prudence, the dictates of prudence. Continue.

But in determining what Justice is, let us begin with that supreme Law which had its origin ages before any written law existed or any State had been established.

So this highest law must be referred, I believe, to what he formerly called the *ratio summa*, the highest reason which rules the whole. And this must not be misunderstood to mean, as it could be understood, a notion of the state of nature. You knew, a law which obligated men

prior to the establishment of civil society. We will come across another passage later on which sounds extremely like these things you read in Locke, for example. And they do not have this meaning. Now let us read paragraph 20.

Indeed that will be preferable and more suitable to the character of the conversation we have begun.

M. Well, then, shall we seek the origin of Justice itself at its fountain-head? For when that is discovered we shall undoubtedly have a standard by which the things we are seeking may be tested.

Q. I think that is certainly what we must do.

A. Put me down also as agreeing with your brother's opinion. Atticus follows Quintus, Cicero's brother. Quintus is a defender of the Stoic doctrine in On Divination. And Atticus was an Epicurean, as we shall see later on. That prepares what is happening immediately afterwards. Go on.

M. Since, then, we must retain and preserve that constitution of the State which Scipio proved to be the best in the six books devoted to the subject, and all our laws must be fitted to that type of State, and since we must also inculcate good morals, and ~~not prescribe every-~~ thing in writing, I shall seek the root of Justice in Nature, under whose guidance our whole discussion must be conducted.

A. Quite right.

Atticus says.

Surely with her as our guide, it will be impossible for us to go astray.

In other words, that is the common ground between Epicureans, Stoics, Platonists and Aristotelians. If we are guided by nature we can in no way err. I have discussed this subject on another occasion. That is the principle of classical thought as a whole. The Skeptics are a special problem here, but generally speaking the goodness of nature is the premise, you can say the dogmatic premise. And modern thought is characterized by a questioning of this premise. Why should nature be good? And the infinite consequences follow from this questioning. But let us return here to the statement.

Do you grant us, then, Pomponius (for I am aware of what Quintus thinks), that it is by the might of the immortal gods, or by their nature, reason, power, mind, will, or any other term which may make my meaning clearer, that all Nature is governed? For if you do not admit it, we must begin our argument with this problem before taking up anything else.

A. Surely I will grant it, if you insist upon it, for the singing of the birds about us and the babbling of the streams relieve me from all fear that I may be overheard by any of my comrades in the School.

Namely, the Epicureans.

Yet you must be careful; for it is their way to become very angry at times, as virtuous men will; and they will not tolerate your treason if they hear of it, to the opening passage of that excellent book, in which the author has written, "God troubles himself about nothing, neither his own concerns nor those of others."

And that is from Epicurus himself. Why does Atticus, as an Epicurean,

give in?

(I can tell you why he gives in later on.)

And?

(On the question of divination. They are aristocrats and they are quite concerned about the privileges given to the people. And Cicero says, I believe in the third book, or the second book, that the people could be held down by these divinations, that this had an effect on the people. The only reason Atticus gives in in this case, which is tied in with this other thing, is because of political expediency.)

Well, that can be assumed already on the basis of this. The reader of the next paper will probably take this up and compare these two passages. Now surely, Atticus is not only an Epicurean but he is also a Roman citizen and belongs to the senatorial party. And from this point of view he might very well have accepted what he philosophically rejects. This is clear. Cicero himself changes his statement a bit. He speaks no longer of the highest reason, but of the nature, force, reason, power, etc. of the immortal gods. And that is an important change in the statement. In other words, this first law is what the gods do or prescribe. And the question is, of course, which gods? Are these the cosmic gods, the movers of the whole, or Jupiter, Apollo, and the other gods. That would make a lot of difference. And you see, if the natural law proper, what is now called prudence, is linked up with these gods, then the belief in these gods is the basis of the whole natural law. That is the problem. Now we must see how this goes on. But we have already seen Cicero's qualifications before. You remember these—as it seems to be the case most of the time, as he said in paragraph 19. In other words, he is not always sure of that. There is a certain theoretical defect of the natural law doctrine, and we have to find out what the defect is. What is not questioned is its politically salutary character. And these are two different propositions.

Cicero himself turns to this question in the next paragraph.

I will not make the argument long. Your admission leads us to this: that animal which we call man, endowed with foresight and quick intelligence, complex, keen, possessing memory, full of reason and prudence, has been given a certain distinguished status by the supreme God who created him; for he is the only one among so many different kinds and varieties of living beings who has a share in reason and thought, while all the rest are deprived of it. But what is more divine, I will not say in man only, but in all heaven and earth, than reason? And reason, when it is full grown and perfected, is rightly better than reason, and since it exists both in man and God, the first common possession of man and God is reason. But those who have reason in common must also have right reason in common. And since right reason is law, we must believe that men have law also in common with the gods.

You see, he goes over from the one god to the gods.

Further, those who share law must also share Justice; Right. Jus, which he translates as Justice—which one may do, is a special part of the law. The law of which he is speaking here refers to all good actions; whether they are actions of justice or actions of temperance or actions of courage does not make any difference. That is the distinction here. Jus, right, can be used

synonymously with *lex*, law. It can also mean a part, namely that which has to do with the relations of men to other men. Is this clear? I think it is not so clear in the English equivalents. Therefore one has to state that. In English you always say natural law, and when you say natural right it has an entirely different meaning. Now in Latin *ius* may be synonymous with *lex*. This is very ambiguous. The right is the body of law. It may also refer to a special part of this *lex*, this universal law, namely with that which has to do with social relations. And then it is the virtue of justice in the narrower sense. This ambiguity is not merely Roman, or for that matter Greek, you have also in English the wide meaning of right—where it means everything done right, or set right, correct—and also in the narrower sense. Yes, now there you do not use it in English, for the right in the narrower sense, as related to human beings. But it is clear in German.

(Inaudible . . .)

Yes, that is the problem. The classical writers never explicitly distinguished that, but you find it distinguished, as far as I remember, in some later Scholastic writers, namely that *ius* with the meaning fundamentally of subjective right. Now *ius* means the body of law, for example, the body of law and customs and usages of the Helvetians, and so on. Then *ius* can also mean, not the body of law, but the faculty, the legal faculty possessed by individuals under that law. For example, property rights. I have a right to do that. The Romans speak of a right to use and misuse, which means here the right possessed by individuals. I distinguished it as follows. There is a right which has men, possesses men. Then there is a right which is possessed by men. Because in the English legal language the distinction is not so common. In continental language there is the distinction between law in the objective, right in the objective sense and right in the subjective sense. Or is there a common law distinction corresponding to that? At any rate, the rights of men are all subjective rights, rights possessed by individuals or by groups. They are not meant to be a body of law obliging men. For ancient men this was not so clear. When you say in Greek, as Socrates does in the Apology, for example, , literally translated, I am just in making a speech of defence. It is impossible to say whether Socrates fulfills a duty or exercises a right. We would always use an expression which means either the one or the other. I am entitled to make that speech or I am obliged to make that speech. In the Greek expression you can't make a distinction. That goes back, if I may make this point, because I believe it is of some importance to an understanding of our notions also, . . . Aristotle says somewhere in the Ethics, I do not remember where for the moment, what the law does not enjoin, it forbids. What the law does not command, it forbids. That is hard for us to understand. We would say what the law does not command, it leaves us free to do. That is not merely Aristotle's private opinion, and that is not merely a Greek opinion, but I believe you will find it everywhere in ancient societies. There is no sphere of life in which you can do what you please. You everywhere obey the law. And I remember an otherwise very good English commentator on the Ethics made this remark, well, what does this mean. For example, the law never commands you to breathe. And, therefore,

does the law forbid you to breathe. That is simply nonsense. Doesn't the law command you to breathe, by implication? Is this not true? Prove it.

(Prove that the law commands you to breathe?)

Yes. Well, an example which is good enough for a man of your age. It commands you to be ready for military service when the country needs you. And therefore the law, broadly understood, expects that you take care that you are fit for duty. That is not a modern notion, but an older notion. And then, a fortiori, it forbids you to commit suicide. And so it makes absolute sense, this older notion. But we have learned to take a much narrower view of law, because of the concern with an autonomous private sphere, a concern wholly alien to earlier men. And that we must always keep in mind. Earlier men always understood, even his acting on his rights and his demanding his rights, that this is a fulfillment of duty. And the notion that the rights come first, and then, as an afterthought, be limited by obligations, in order that we preserve and safeguard them, that is the modern notion. Classically developed for the first time by Hobbes. And in some round about ways by other people too. Now how did we come to this. Someone raised his finger while I made this long speech. You retract?

Now go on where we left off.

and those who share these are to be regarded as members of the same commonwealth. If indeed they obey the same authorities and powers, this is true in a far greater degree; but as a matter of fact they do obey this celestial system, the divine mind, and the God of transcendent power. Hence we must now conceive of this whole universe as one commonwealth of which both gods and men are members.

(I had a question which dealt with an earlier section. He distinguishes between reason and right reason.)

That he makes clear later on. But you can say that in these cases here he is speaking of reason as right reason. Right reason is the perfected reason, the cultivated reason. When he makes the distinction. I think that occurs somewhere, doesn't it?

(Inaudible . . .)

Yes, but there is later on a passage, I think in the first book, in which he makes an explicit distinction between reason and right reason. Right reason is reason perfected or, at any rate, not corrupted. How do you understand the distinction?

(Inaudible . . .)

No, no, there is surely nothing to that. I would never settle this question by swearing, By Zeus, but in this case I am obliged to say By Zeus. Check on me, but I believe you will come out with the same thing. But what do you say Father Buckley?

(Right reason means the individual human reason in accord with the objective order as established by natural law. I think it is acknowledged that there is the possibility that reason can come to a wrong conclusion. And thus he is not speaking about any operation of reason but of reason that is in accord with this objective order set up in accord with the nature of man, the nature of . . .)

Well, in other words, I was right in what I said. I mean the reason perfected is right reason. But I think it has nothing whatsoever to do, to refer to your question, with the distinction between

the theoretical and practical life.

(In what sense, though, is reason common to God and to man, and therefore right reason also common to both.)

That is here merely asserted. And the difficulties which Cicero has are, of course, connected with this very problem. But still, we can understand the assertion. If there is a cosmic order.

If there is a rationality in the whole, must there not also be a mind perceiving this reason or embodying this reason. I believe it is along these lines that . . . Well, that is a very long story. And it has very much to do with the question on motion, with the first mover. Must the first mover of an ordered whole not have an understanding of that whole, that ordered whole? Must there not be a reason for it. Something of this kind I believe is the argument.

(I was thinking also of the problem of, if he distinguished between reason and right reason in man, is this the distinction between actuality and potentiality.)

I think the implication is that the possibility of a corruption of reason is only in man, the earthly beings.

(I was going to say that this is something he would have to assert.)

Sure. But this is, after all, a popular statement. We must try to see, try to find out what the reasons were which induced Cicero to present this doctrine as politically salutary, but otherwise theoretically doubtful. And that is probably one of the points. At any rate, in On the Nature of the Gods, where he attacks the Stoic teleological theology, that is the basis of that. And he says that he prefers it to the Epicurean doctrine or any materialistic doctrine and mechanical doctrine, but that it is not sufficiently supported to build upon it. Now, therefore, the great question arises, what is the status of the moral doctrine of Cicero? If it is not based, if it cannot be based on this kind of cosmology? This cosmology would justify Cicero's morality. But whether this cosmology is true or not remains open to question. That is the question.

(Well, I was also going to say that you would also have to convince me that he presents this only as salutary . . . inaudible . . .)

Look, he indicates a certain doubt. It seems to be true most of the time, as he puts it.

And . . .

(End of reel; a few sentences were lost in the course of changing the reel.)

(The second part of this seminar was apparently not recorded.)

I mention only a few points in connection with your paper. You stated the point very well indeed, what is Cicero's authority for his changing of the Roman laws, because he does not merely restate them but modifies them. And you say, reason. There can be no question about that. But the important thing is this—Cicero speaks about the natural law only in very general terms. What is the content of that natural law? We would like to know. We can find it out only by making a close analysis of his changes of the traditional law. The paradox is this. There is a general statement to the effect that there is such a thing as the natural law; and then we get only positive laws, civil law. Where is the natural law? And we have to get it indirectly by that method which you suggested.

(There are the two suggestions, the one about the bridge and the other about the rape of Lucretia. Those are the only two concrete examples, throwing some light on the content of the natural law.)

Would you give a bit more detail on that.

(Well, he cites two examples of a law which is not positive but which is somehow intrinsic to man. The first is the example of a commander, who in order to protect his men in retreat, as I understand it, had the bridge broken behind himself, thereby cutting off his own retreat. And the other is the outrage upon the part of Lucretia's family toward the rapist was justified by "natural law". The indignation over that . . .)

Over this particular crime. So, in other words, the chastity of the woman as well as the marriage bond. And that has something to do with the sacredness of marriage. That would seem to an institution of natural law, at least he implies that.

And then you made the remark that reason is of course understood here in contradistinction to ancestral custom. A question arises. Ancestral custom is the other source of this code. Why is ancestral custom needed? It is absolutely necessary that we raise this question. What is your answer? Could you state it succinctly?

(It has to do with the naturalness of the city.)
How?

(The city itself does not warrant our affection. We tend to feel affection toward our family.)

Let me restate the problem. First, why do we need an addition to reason as the source of natural law at all? Ancestral custom is one form of positive law. So first one has to answer the question, why is positive law needed at all. Secondly, why is that form of positive law, ancestral custom, particularly important?

(The answer to the first question is piety. For the ancestral laws. Then the question becomes, what is the basis of piety.)

You skip the answer to the first question. The question of why positive law at all. Why is it not possible that reason pronounces clearly about special cases? And not only about the most general cases. For example, let me say this. If reason says something about the badness of killing human beings, the same reason also induces us to make a distinction between murder proper, involuntary homicide, and all the other kinds of killing human beings. That is also rational. Now where does the mere positiveness come in? Do you see what I mean? Why is it not thinkable that in a given, very

concrete case, with all these peculiar and particular circumstances which are contingent, reason would nevertheless make the decision as well as it would make it on the highest level of generality. You see that the decision in this case would still be natural law, as much as the overall rules.

(That would presuppose the ability or reason to be unerring in such matters.)

Alright, but still where does the necessity of positive law, as well as natural law, come in at all? That question must be answered. Whether Cicero gives us enough in his book to answer it is another question. The question must have been in his mind. Unless one would say that wherever change comes in, changing circumstances, then it is no longer natural law proper. That could, of course, have been Cicero's opinion. You wanted to say something?

(It is necessary, if society is to run smoothly, that it is possible to predict the future decisions of the government, given this or this kind of behavior. And positive law, though crude, permits. . .)

But why could not, in the ideal case, all these decisions of government be decisions of reason, and without any positive, that is to say fundamentally conventional or arbitrary elements, entering into it.

(Well, I think the reason usually given in the traditional natural law teaching is for unity of action. We could come to many different kinds of conclusions, all of which would be possible, or possibly connected with natural law. But for the unity of action of the society, it is necessary that one of these possibilities be imposed. For example, it is necessary that traffic be regulated, but whether you drive on the right or the left is immaterial from the standpoint of natural law.)

Yes, sure, that is the simplest case. Or if we take the example I mentioned before—the various kinds of killing of human beings. There are crimes of different magnitude. But how the punishment should be staggered, whether you should have, say, only one year in prison, or such and such a fine, and so on, really depends on the circumstances. If certain kinds of crimes become too frequent, then one may have to have a severer punishment, whereas if it is very rare, one may be able to leave it at a fairly light punishment. That is so.

(There is something about the argument that disturbs me. If positive law is a work of reason, are you saying that it is a natural law and not positive law?)

One could raise this question, couldn't one.

(I don't know, because it would seem that it is equally possible that positive law is natural law in the sense that it is in accordance with natural law, although still made by man.)

Well that goes without saying. If there is a natural law, a positive law which contradicts natural law cannot be a law. That is easy. But since it is called positive law, it must have something in itself which is not simply natural law. And we are concerned with the necessity of having laws which are not simply natural.

(Perhaps it is because of the way in which natural laws are found or discovered. In other words, perhaps it is only through the experience of man in the legislature, for example, that natural law comes to be known.)

Now what would that mean? Something which provisionally is merely

positive law. In other words, you don't know yet whether it is rational, and only later on it may be found out that it was rational. Then from this point of view a positive law would be an outcome of the question for natural law. That would be the case. But there are clearly cases where no reason will ever decide that one choice is intrinsically superior to another. And the clearest case is right or left driving. But I only wanted to mention this question because it seemed to me that in your paper you went over from Natural law to Ancestral custom without raising the question.

So if we need then positive law, what is the advantage of ancestral custom? Well, take the simplest case—right and left driving. Well, you write a book like Cicero's for the British, and you just stipulate right driving. Would it not be a wholly unnecessary complication, because the alternative is in itself just as good. You upset customs and you create all kinds of unnecessary problems.

(Yes, but you could easily change these things without seriously jeopardizing the order. There would be certain problems of adjustment.)

But why should we do it, if we decide to do it.

(But that doesn't settle the issue of the importance of ancestral customs, does it?)

It does not go to the root, perhaps, but practically speaking if something is neutral regarding rationality, given several alternatives, is not the one which people are accustomed to the best choice; perhaps this is one of the many elements of social cohesion. Should this cohesion be unnecessarily jeopardized?

(But that is not a very strong argument for ancestral custom. It seems to me that a stronger argument can be made. I would question it if that could be the only support advanced for it.)

Well, for practical purposes that would be sufficient, I believe.

(That it is just a convenient, practical solution?)

Yes, because it has become part of the fabric of the society.

One doesn't just experiment with these things unnecessarily.

(But is there no other more. . .)

But how do you lead up to that? You wanted to say something?

(The other side of the same argument seems a bit stronger. Not just that the new custom would be disruptive, but that there is a strong cohesive force in support of doing things the old and own way. The English like to brag about their own peculiar things, like old trees and such things. The mere pleasure of doing things this way.)

That is an innocent and even a good pleasure, and why should one, out of a kind of sadism, prevent people from enjoying their pleasure, which is socially so salutary. But you wanted to dig to a deeper stratum. How do you proceed?

(I was just wondering whether you couldn't justify ancestral custom on some deeper grounds than social cohesion. Not that social cohesion is unimportant.)

What would you suggest?

(. . . inaudible . . . which is not just so much sticking to something because it is old, but rather because of the notion of tradition as something that is handed down intact from one to another. The notion of tradition presupposes a primeval . . .

time . . . inaudible . . .)

That was what Mr. Gaier was driving at in his paper--the notion that the good is the old. If you take it simply as a bald proposition it leads to the conclusion that the best is the oldest. And therefore to the assumption that the origin, the founding act, or founding period, was superior to all later periods. Cicero refers to this, as you mentioned in your paper--that is the time when the gods were nearer to men than afterward. But if Cicero does not believe this literally, what is then the rationale?--with regard to this equation of the best with the oldest?

(To find the best and then to show that it is also the oldest.

Therefore, that what is natural is somehow the source of ancestral custom.)

One would have to go into a question like this. The natural or rational would be the eternal, and the oldest is the closest approximation, in the perishable, to this. It is indeed not always but it is more "always" than the more recent.

(Time immemorial.)

Yes. Time immemorial.

(There is another reason also, which was alluded to I believe in the paper--the practical problem of getting people to obey the law. This helps greatly in solving that--if the law at the same time accords with their tradition, if it can be shown to be traditional. This is a very powerful persuasive force.)

Yes.

(And it is something essential to good law that it be obeyed generally by the people.)

And voluntarily. But that always leads back to this. That for some reasons which must be laid bare, but which are not obvious, especially in our age, there is, surely in older times, and to some extent in our own though not as powerful, this equation--good/old, the good old times; the good is the old. And that is, while rationally very questionable at first glance--why should the old be the good--a kind of basic equation which somehow enters social life. Cicero, as Plato and Aristotle had before him, tries to adjust these two notions of the good--the good in the sense of the natural and the good in the sense of the old. Perhaps we can find out a little bit more about this later.

(Isn't there also a question of one's own home here, and the thought that not even reason can supplant this kind of authority. The thought that you knew best, and that this was your home, and the place where you yourself were brought up. Consequently anything that you do that is wrong is your own responsibility; nothing can give you an excuse . . . inaudible . . .)

But as far as you state it here this would merely be an argument in favor of small associations, where the degrees of mutual supervision is much greater than in a Babylon--Chicago, New York. That is true, but that does not bring in the element of oldness.

(The fact that it is old brings it close to the gods, does it not?) Sure, but that presupposes then that this notion of the gods and the supremacy of the first age is accepted. And there are certain difficulties here from Cicero's point of view, I am sure. But it could still be politically salutary and important even if not theoretically true.

Now the next point, which was connected with that, was what you said about the island, and that I found particularly good. Perhaps

you will restate it later, when we come to that section.

And you noticed also very well that there is a great difference between Cicero and Atticus in regard to what pleases them. Cicero's pleasure has something to do with the home, with the home town, and the family; Atticus is completely free from this. Atticus' notion is truly a cosmopolitan notion, as you rightly observed. And I found it especially gratifying that you noted that Cicero is brought back to the political problem, the political problem of the Laws, by his brother Quintus. That Cicero stands between Atticus and Quintus you made clearer than it had been for me in the past. As you put it Cicero must satisfy both his friends—the cosmopolitan philosopher who is, in addition, an Epicurean, and his brother, who is not a philosopher and with whom he is linked, not by the intellect but by the body, by sense. And that is a very good formula for the problem here. We will return to that when we come to these passages.

There is only one expression which you used which I did not understand—the conventional fatherland. To whom did you ascribe that expression. It doesn't occur in the text, I know that. But in speaking of whose speeches did you use it —Atticus or Cicero?

(Cicero. I interpreted fatherland by citizenship as conventional fatherland.)

I see, and what did you say about that.

(That it can only command our duty, but not our affection in itself.)
Is that true? Is this borne out? Well, we will think about that.

Now let us then first turn to the second book of the Laws, and then perhaps to the third book, and then back to that part of the first book which we have not yet discussed. Atticus suggests that they go to an island in the river there. And they sit down there. It is a hot day; the longest day in the year. They seek the shade. And they find that shade on an island. And you understood this island of contemplation.

(Yes.)

That makes good sense.

(There are additional things as well. For one thing, it is more natural than . . .)

But why should an island be more natural than another part of the land, or, for that matter, the sea.

(Well, it is more stable.)

Why is it more stable than a non-island?

(That is true.)

The island is a very interesting symbol. There are quite a few of these famous utopias located on islands. For example, Sir Thomas More's, and also in late antiquity there are also stories of perfect commonwealths located on islands, and so on. There was a German sociologist, Freyer, who wrote a book on the significance of islands. That is worth looking at. If I remember well, he brought out the fact of the relative smallness, and the clear borders. There are no arbitrary borders as there would be dividing two continental states. The borders are drawn by nature. I don't know whether he emphasizes the point about nature, but the smallness and circumscribed character of the island he emphasizes very much. But in regard to what you say about the islands, we cannot help using the word island in metaphoric expressions all the

time. Especially it draws out attention to the flux, the river, and something which is exempt from the flux and resting there, breaking that flux. That is possible. And therefore exempt from the flux of the active life.

(The water is also very cold, and that makes getting across rather hard. You can't swim across.)

So that indicates the difficulty of reaching the island?

(Reaching it and getting back.)

Yes. That makes very much sense. Now if you look at the sequel you see that up to a certain point (roughly paragraph 6) they are on the way to the island. The discussion of the Laws begins when they are already on the island. The previous conversation takes place on the way to the island. Now what is the issue first. There is a speech of Atticus which we should read in order to make clear where the different people stand (paragraph 2, page 371).

Indeed I cannot get enough of this place, especially as I have come at this season of the year, and I scorn luxurious country-places, marble walks and panelled ceilings. Take those artificial streams which some of our friends call "Miles" or "Euripi"—who, after seeing what we have before us, would not laugh at them? And so, just as you, a moment ago, in your discussion of law and justice, traced everything back to Nature, in the same way Nature is absolutely supreme in the things what men seek for the recreation and delight of the soul.

In modern language, which is not only modern, a return to nature. You will remember from Rousseau—from civilization and its luxury back to nature. But here there is a difference. The return to nature was, in a way, affected by Cicero in the first discussion, when he returned from the actual civil law to the natural law in that positive law. That was one return to nature. Atticus is, however, not a Stoic or Platonist; Atticus is an Epicurean. He understands nature with a view to the rest and delectation of the mind. The natural is that which is intrinsically pleasant, which conforms to the nature of man because it is pleasant. There is a difference then between them. They agree, and that is important—Cicero, Atticus and Quintus agree as to the fact that nature supplies the standard. The question is only in what way, or what nature. For the Epicurean, pleasure is the natural standard. For Cicero, or Quintus, the intrinsic nobility dictated by the end of man. Let us continue with the text.

Hence I used to be surprised (for I had the idea that there was nothing in this vicinity except rocks and mountains, and both your speeches and poems encouraged me in that opinion)—I was surprised, I say, that you enjoyed this place so much; now, on the other hand, I wonder that you ever prefer to go elsewhere, when you leave Rome.

We cannot read everything, and I note only that at the end of paragraph 3, where Cicero compares himself to that wildest man who is said to have repudiated immortality in order to see Ithaca, his home land. Odysseus, who was both wisest and wildest. So it is of some interest that Cicero compares himself to this wily man. Cicero has a certain wiliness which the others do not have. Cicero and Atticus differ because Cicero loves his home, his home town. And the connection is clear. There is a connection between the love of the home town and the love of the political society. Ci-

time. Especially it draws out attention to the flux, the river, and something which is exempt from the flux and resting there, breaking that flux. That is possible. And therefore exempt from the flux of the active life.

(The water is also very cold, and that makes getting across rather hard. You can't swim across.)

So that indicates the difficulty of reaching the island?

(Reaching it and getting back.)

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cero, being a non-Epicurean, is a political man and believes in the goodness of the polis. And there is a relation between the affection for the home town and the affection for the larger society of which the home town is a part. Which you can understand very simply by the fact that the home town could not possibly survive as a free society if there were not a larger society able to defend the freedom of the home town. We do not have, for our present purposes, to go beyond that.

(There is another problem here as well. Attachment to one's home might, under certain conditions, mean hostility to the larger territory.)

And frequently did. That is true, but still Cicero obviously does not think of that problem here at all. He thinks only that just as the family is the cell of civil society, a very important intermediate stage is the home town. In other words, he thinks not about the possible conflicts between this smaller society and the larger one, but of the connection between the smaller one and the larger one. Now let us read the next paragraph, where also the question of love comes up.

I think you certainly have good reason for preferring to come here and for loving this place. Even I myself, to tell you the truth, have now become more attached to the homestead yonder and to this whole countryside from the fact that it is the place of your origin and birth; for we are affected in some mysterious way by places about which cluster memories of those whom we love and admire.

May I only say that what he translates "mysterious" here is in Latin "nescio quo pacto"—"I do not know how". Continues.

Even in our beloved Athens, it is not so much the stately buildings and the exquisite works of ancient art which delight me, as the recollection of its peerless men—where they each used to live, to sit, and to carry on their discussions; and I even love to gaze upon their tombs. Therefore in the future I shall be even more fond of this spot because you were born here.

So Atticus lives, from now on, this small place. Why?

(Because it is Cicero's home town.)

Because of his love for Cicero. In other words, he loves it for the same reasons for which he hitherto loved Athens. Atticus loves individual human beings of outstanding qualities. And, for the sake of them, he may love some places. Cicero's love is not founded in any love for great men, but only for kindred. That is the difference. And in this sense, of course, you are perfectly right when you say that Atticus is a cosmopolitan. Because from this point of view he could love every home of an outstanding man.

(Isn't Cicero accusing Atticus of a foolish sentimentality.)

Where?

(In the section I just read. The places that he mentions, and the tombs, and so on.)

Atticus is speaking.

(Yes, I know. But it seems . . .)

No, even they were reminded of this. I think even the tombs remind, say of Plato. If you could stand at the tomb of Plato you could not help being moved more than if you say the tomb of some other person, a stranger. If it is the tomb of your ancestors, well that is another

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matter. But a stranger's? But the interesting thing is that only the tombs of such men and the relics of such men can affect Atticus. You must never forget that in the Epicurean teaching the social phenomenon, which was the highest, was friendship. And friendship is, strictly speaking, possible in the Epicurean doctrine only among philosophers, or thinking men as thinking men. Whereas the polis, the civil society, was regarded by the Epicureans as a mere convenience. Like police. In order to live in some security there must be civil society. And that is all there is to it. No affection. You cannot have affection, strictly speaking, for something which is a mere instrument. For example, if you have affection for a horse, you have affection for it only to the extent that it is more than a mere instrument--for riding and so on. Now if civil society as such is a mere instrument it cannot be an object of affection. Cicero, to consider that for a moment, also has affection for his ancestors, for his family, for his kind, and this simple, primary affection, of which all men are capable, is the basis from which the affection for civil society emerges. Since Atticus lacks that basic affection, he cannot have affection for the polis. He can have affection only for individuals, and for individuals of a certain kind. So Atticus loves and admires individuals of a certain kind. Cicero loves and admires also his ancestors, and therefore Cicero is a political man and Atticus is not. Well, Atticus is also a political man, as we see later, and this is a bit inconsistent. Still, he is a Roman patrician and he is very much concerned with keeping the Roman patricians in control against the somewhat more democratic tendencies of Cicero. That we will see later. Now let us turn to the next paragraph. This paragraph concludes the introduction.

A. And I am very glad to have become acquainted with it. But what did you really mean by the statement you made a while ago, that this place, by which I understand you to refer to Arpinum, is your own fatherland? Have you then two fatherlands? Or is our common fatherland the only one? Perhaps you think that the wise Cato's fatherland was not Rome but Tusculum?

K. Surely I think that he and all natives of Italian towns have two fatherlands, one by nature and the other by citizenship. Cato, for example, though born in Tusculum, received citizenship in Rome, and so, as he was a Tusculan by birth and a Roman by citizenship, had one fatherland which was the place of his birth, and another by law; just as the people of your beloved Attica, before Theseus commanded them all to leave the country and move into the city (the astu, as it is called), were at the same time citizens of their own towns and of Attica, so we consider both the place where we were born our fatherland, and also the city into which we have been adopted. But that fatherland must stand first in our affection in which the name of republic signifies the common citizenship of all of us.

You see, in affection. I admit that that is qualified by the beginning of the sentence, but it is necessary. We ought to. That does not yet guarantee the affection itself. Continue.

For her it is our duty to die, to her to give ourselves entirely, to place on her altar, and, as it were, to dedicate to her service, all that we possess. But the

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fatherland which was our parent is not much less dear to us than the one which adopted us.

You see. It is even stronger in the Latin—not much less sweet is that which generated us than that which adopted us.

Thus I shall never deny that my fatherland is here though my other fatherland is greater and includes this one within it;

Atticus believes that he can catch Cicero in a contradiction. Cicero spoke of two fatherlands. That is impossible. A man can have only one fatherland. But what he has in mind I believe is this. A thinking man can have only one fatherland: the fatherland of the wise is the cosmos. Now Cicero says no. One can have two fatherlands—the one in which one is born, and that he calls the natural fatherland (and to that extent you are entitled to say the other is conventional, but you must not forget that this convention in Cicero's argument is linked up with the fact that the commonwealth, the civitas, as distinguished from the mere place of birth, is the one dedicated to the perfection of man, to virtue, and therefore it is not merely conventional. Convention serves a natural function. If you do not omit that, you can call it the conventional fatherland.)

Now in connection with this passage, I believe that from time to time one has to look at the literature. I believe the general rule in the world is that one should always look at the literature, and then at the original, but I believe the other way around is a bit wiser. Now here is a statement by Voegelin in his book, The New Science of Politics, on Cicero. I believe it is typical of the present day discussion. Let me read it to you. He has his special version of it, but the basic premises are the same.

The thinker who can speak of philosophy as a 'foreign learning' to be respected but nevertheless to be considered as a spice that will add perfection to superiority, has, one may safely say, understood neither the nature of the spiritual revolution that found its expression in philosophy nor the nature of its universal claim upon man. The peculiar way in which Cicero mixes his respect for Greek philosophy with amused contempt indicates that the truth of theory, while senses as an enlargement of the intellectual and moral horizon, could have no existential meaning for a Roman. Rome was the Rome of its gods into every detail of daily routine; to participate experientially in the spiritual revolution of philosophy would have implied the recognition that the Rome of the ancestors was finished and that a new order was in the making into which the Romans would have to merge—as the Greeks had to merge, whether they liked it or not, into the imperial constructions of Alexander and the Diadochi and finally of Rome. The Rome of the generation of Cicero and Caesar was simply not so far gone as was the Athens of the fourth century B. C. which engendered Plato and Aristotle.

In other words, Rome was still tolerably healthy and could survive a bit longer.

The Roman substance preserved its strength well into the Empire, and it really petered out only in the troubles of the third century A.D. Only then had come the time

for Rome to merge into the empire of its own making; and only then did the struggle among the various types of alternative truth, among philosophies, oriental cults, and Christianity, enter into the crucial phase, where the existential representative, the emperor, had to decide which transcendental truth he would represent now that the myth of Rome had lost its ordering force.

You note the question—which transcendental truth. This means a variety of transcendental truths—the historicist premises.

For a Cicero such problems did not exist, and when he encountered them in his 'foreign learning' he emasculated the inexorable threat: the Stolic idea that every man had two countries, the polis of his birth and the cosmopolis, he transformed deftly into the idea that every man had indeed two fatherlands, the countryside of his birth, for Cicero his Arpinum, and Rome. (pages 90-91, New Science of Politics)

Now what does Cicero say here? Does he say that every man has two fatherlands, the countryside of his birth and Rome? What does he say? We have read the passage. Does he say that every man has two fatherlands, one of them being Rome. Let me add the last sentence from Voegelin.

The cosmopolis of the philosophers was realized in historical existence; it was the imperium Romanum.

Is this what Cicero says? We can check it very clearly here. What is obviously wrong in Voegelin's statement, in so far as it is based on this particular text we have in front of us. Does he say that all men have two fatherlands?

(Yes.)

Where?

(In this quotation, for example, where he speaks of the people of Attica as having two fatherlands.)

Does he say that the people of Attica have Rome as their fatherland.

(Not Rome.)

I see. Then Cicero does not say that all men have Rome as their fatherland. What he says at the most is that every Italian has two fatherlands—the town where he was born, like Arpinum, and the other, Rome. That represents a complete misunderstanding of the passage, and it is based in the premise that Cicero identified the cosmopolis of the philosophers with the Roman empire. We have read Scipio's dream, and there we have seen that the Roman empire was regarded as a very small thing in the cosmopolis, a small patch. Cicero never did that. I think that is a gross underestimation of Cicero's understanding of philosophy. Cicero was a Roman patriot; there is no question about that. Just as Plato was an Athenian patriot. But he did not make an ideology of the Roman empire. That was very far from his mind. He wanted to dignify and honor Rome by introducing philosophy into Rome surely. And he did not want to do it in such a way as to endanger the cohesion of Roman society. Therefore a certain caution and precaution. But there is no question about this. This is a typical historicist view. A Roman, being a Roman, simply cannot have understood Greek philosophy as it was meant. As if we did not have Lucretius and some other writers in addition to prove this point. But here it is simply not true that Cicero says that every man has Rome as his fatherland. Whether he might have said it in a rhetorical statement, to get an acquittal or something, I do not know, but it would not appear to be his opinion in view of

the bulk of his writings. And the sixth book of the Republic, Scipio's Dream, I believe disposes completely of this simple understanding.

This much about what happened prior to their coming to the island. Now we turn to the island, and begin by reading a brief part of the speech of Atticus in paragraph 16, the second paragraph.

But here we are on the island; surely nothing could be more lovely. It cuts the Fibrenus like the beak of a ship, and the stream, divided into two equal parts, bathes these banks, flows swiftly past, and then comes quickly together again, leaving only enough space for a wrestling ground of moderate size. Then after accomplishing this, as if its only duty and function were to provide us with a seat for our discussion, it immediately plunges into the Liris, and, as if it had entered a patrician family, loses its less famous name, and makes the water of the Liris much colder.

We can leave it at this. If you look at it you can see that he uses, with unusual frequency, comparisons. In Latin it is more noticeable. And the central one is very interesting. It is the use of a comparison--as if the river had had this function to supply us with a seat for disputation. A poetic use of teleology. But in the case of the Epicureans that can only be poetic. It could never be meant literally. But in this way there is a bridge created between the Stoics and the Epicureans. In poetic, or by poetic language you may say that this natural phenomenon serves in this way. But you could never do it seriously. But by entering into that spirit, poetically, he can talk to Cicero, in this context.

Now, as you noted in your paper, it is Quintus who is responsible for the continuation of the dialogue. This appears in paragraph 7. Now, as for the beginning of the speech itself, which is in paragraph 7, it is, as you see, poetic. Cicero quotes from a poem by the Greek poet Aratus, which he has translated. There is a connection between Atticus' use of poetry and Cicero's beginning here in a poetic way.

(It is interesting to note that Scipio, in the Republic, uses the same phrase.)

That is important. I did not know that. So that would throw a light, retrospectively, on the first book of the Republic.

(And Scipio also says of Aratus that he was very skilled in poetry but knew nothing of astronomy.)

But the content of his poems were astronomic.

(Yes.)

Now in paragraph 8 the natural law comes in. We should read that, at the bottom of page 379.

Well, then, I find that it has been the opinion of the wisest men that law is not a product of human thought, nor is it any enactment of peoples, but something eternal which rules the whole universe by its wisdom in command and prohibition. Thus they have been accustomed to say that law is the primal and ultimate mind of God, whose reason directs all things either by compulsion or restraint. Wherefore that law which the gods have given to the human race has been justly praised; for it is the

reason and mind of a wise lawgiver applied to command and prohibition.

Does this not again mean what we have seen before—a distinction between two laws, the primary law, the law ruling the cosmos, here ascribed to the mind of God, in the singular, and then, as was said in the third book of the Republic, then a law which if perfected in the mind of man is this law. Here it is ascribed, however, to the gods—the law out of which, with a view to which, on the basis of which, that law which the gods have given to the human race has been rightly praised. That is a different law. And then the first question is how these two laws are related to each other. But this is not clear at every point in the discussion. For example, in Quintus' speech immediately afterward he speaks of a heavenly law and distinguishes it from the popular laws, the laws adopted in popular assemblies. And there seems to be only one such law that is higher than the positive laws. But it is clearer in paragraph 11 (page 383).

Therefore, just as that divine mind is the supreme law, so, when (reason) is perfected in man, (that also is law; and this perfected reason exists) in the mind of the wise man;

Well, as you can see by looking at the Latin, the text is corrupt. And what he has in angular brackets is based on a hypothetical emendation. But it begins clearly this way. And hence, just as that divine mind is the highest law, in the same way, when it has been perfected in the mind of a wise man—and then the rest is missing. But that is legitimately supplied from the parallel passages. We can say there is a highest law, the law which rules the universe and which exists in the divine mind, and then there is a law derivative from it in the human mind which is also a rational law regarding human conduct. This distinction is, I think, basic for Cicero. And the implication here, constantly emphasized, is that what is ordinarily called law, the law adopted in the popular assemblies, or dictated by kings and so on, is not strictly speaking law. Only what reason itself, stemming from the mind of a wise man, dictates is law properly speaking. This is an old Platonic notion, and we have found many traces of it in the Laws and, in a way, more clearly in the Minos. This we have discussed last quarter.

But now he turns to another subject in the sequel. If you will resume just where we left off.

but those rules which, in varying forms and for the need of the moment, have been formulated for the guidance of nations, bear the title of laws rather by favour than because they are really such. For every law which really deserves that name is truly praiseworthy, as they prove by approximately the following arguments.

He turns here to a new subject, which seems to have been settled completely, but only by implication, namely, the question, are laws, even the true laws, the laws existing or residing in the mind of the wise, are they truly praiseworthy. Now he gives here arguments for that.

It is agreed, of course, that laws were invented for the safety of citizens, the preservation of States, and the tranquility and happiness of human life, and that those

who first put statutes of this kind in force convinced their people that it was their intention to write down and put into effect such rules as, once accepted and adopted, would make possible for them an honourable and happy life; and when such rules were drawn up and put in force, it is clear that men called them "laws." From this point of view it can be readily understood that those who formulated wicked and unjust statutes for nations, thereby breaking their promises and agreements, put into effect anything but "laws." It may thus be clear that in the very definition of the term "law" there inheres the idea and principle of choosing what is just and true.

What is the argument then? How does he prove the goodness of law up to this point?

(If it fulfills the ends for which it comes into being, namely, the good of the . . .)

But does he not link this up with something else, when he speaks here that these have to be adopted by the people, accepted and adopted. I believe this means the following thing. According to the primary meaning of the word law, it is a rule which has to be accepted or adopted by those subject to the law. So the mere dictate of reason would not do it. Therefore, in other words, the fact that law serves the end--the preservation of man and the happy and noble life--is not yet sufficient. It must also have been adopted. Now you see here a difficulty. Let us assume that this adoption or acceptance by the people is a deflecting thing. That the people who adopt the law must be presumed to be less wise than the man who invented the law. Then no law, no rule which, strictly speaking, can be called a law, can be expected to be fully wise. Therefore, the question is, whether law as law is simply good. But let us proceed, because the argument doesn't stop here.

I ask you then, Quintus, according to the custom of the philosophers:

He doesn't say philosophers. As those who are in the habit . . . But it is clear in the context.

if there is a certain thing, the lack of which in a State compels us to consider it no State at all, must we consider this thing a good?

Q. One of the greatest goods, certainly.

M. And if a State lacks Law, must it for that reason be considered no State at all?

Q. It cannot be denied.

M. Then Law must necessarily be considered one of the greatest goods.

Q. I agree with you entirely.

Now here there is a conditional argument. The condition is implied. If the city is good, then laws are good. Because the city cannot exist without laws, and laws mean here still something which is not only devised by a wise man but also accepted by the people, with the possible difficulty that the people may not be willing to accept any provision which is purely wise. This difficulty remains.

(Doesn't it also imply what you suggested before--that you don't have a state unless you have people who are willing to rule. That is what it means to have a state--to have governors willing to govern.)

Yes. But still, the question which arises here is this. We cannot read all of those things again, but you must read them for yourself. I remind you of the speech of Scipio about the common right or the universal right in the first book of the Republic. In which he says that property can be owned only by him who understands to use it, i.e. to use it well. Which is, of course, fatal to any property in the legal sense of the term. No one questions, in matters of property right, whether I am a playboy, or an extremely shrewd investor, or simply a man who uses his money for the purposes of a wise man. And the consequence is, as Plato said at the very beginning, if you speak really of property from the highest point of view, then the only conclusion can be the abolition of private property. (End of first side of reel; a few sentences have been lost in changing the reel.)

. . . so this question we must never lose sight of. Civil society, with its order of property and other characteristics, presupposes a certain concession to non-wisemen. When we speak of reasonable men, say, in legal language, this kind of reasonableness, for example, watching when you drive a car so that you don't take chances, and so on, that is, of course, not wisdom. That is a very low kind of reasonableness. Surely not all men possess that, as experience shows every day. But this reasonableness is not the wisdom of which we speak here. You can get some idea if you compare the notions, for example, of a very strict, a religiously strict, man, with what we as ordinary people think we can safely do. Many things which are permitted by the law and not punished by the law are not allowed for a very strict point of view. That is implied in the classical notion of wisdom. Therefore, all ordinary life, all political life is already a concession to the unwise, in the highest sense of the term, to the unreasonable. These points are not developed by Cicero to the extent to which they were developed by Plato, and to the extent I am sure they were developed by these Greek Stoic writers, whose writings have been lost. But we cannot understand Cicero unless we give some attention to these questions, especially as there are sufficient allusions to them.

Now we find another reference to this Platonic thought in the sequel.

What of the many deadly, the many pestilential statutes which nations put in force? These no more deserve to be called laws than the rules a band of robbers might pass in their assembly. For if ignorant and unskillful men **Now** look at this. That is an extraordinary, extremist formulation. After all, ordinary fellows who may not be very bright and thoughtful are not for this reason already pirates and robbers. Now the argument which is implied is this. Surely they are nice people; they don't steal, rob or murder. But what is the ground of their property right, the ground of what enables them to be decent. you can say, well, we go back to the past and there you find that they were, as the Athenians said, sprung from this soil. And there was no injustice whatever involved in their having their lands there. But who knows whether that is true—that the Athenians sprang from the soil? Is it not as likely to have resulted from some form of conquest? So these nice people are so nice because they are the descendants from conquerors, from robbers. This kind of difficulty. This

was brought out in the nastiest way by Machiavelli; but it was also brought out in a non-nasty way by Plato and the Stoics. And it means this—that the demands on justice and decency we justly make in ordinary life are not the strict demands. That is the difference between Aristotle, on the one hand, and Plato and the Stoics on the other. That Aristotle on the whole leaves it at the common-sensical demands and the common sensical understanding of justice. Aristotle takes a very high view of this, but it is still the common-sensical view which does not go into these disconcerting questions. Plato and the Stoics go into them. Let us continue.

For if ignorant and unskilful men have prescribed deadly poisons instead of healing drugs, these cannot possibly be called physicians' prescriptions; neither in a nation can a statute of any sort be called a law, even though the nation, in spite of its being a ruinous regulation, has accepted it.

That is strictly Platonic, as you would see, for example, by reading Plato's Statesman. Now, if law is to be a dictate of reason, it has the same character as any other precept by a wise man, say, in that field. There is the precept of the physician who dictates with a view to health what you should do or omit. Or take a farmer, who knows the art of farming, and who dictates what should be done. But clearly what we ordinarily understand by a law is something different. The element of compulsion comes in. The element of acceptance comes in, however you put it. And therefore the highest dignity can be claimed for the so-called laws only to the extent to which they have this intrinsic rationality which we have in mind when we speak of the wise precept of a physician. But you see immediately the difference. No assembly of wise men adopts laws in the way in which an assembly of first rate physicians adopts rules for treating a disease. Therefore, the very notion of a law implies a concession to a lower level of wisdom, to say nothing also of the element of compulsion. These precepts cannot in themselves have any compulsory power. Now the natural law, as Cicero has in mind, is akin to such precepts. If he could use later language, 16th century language, I think one would have to say that the law of nature as Cicero means it is much more a law which indicates the right thing to do rather than commands it with sanctions attached to it. You know the 16th century usage? It is discussed by Suarez. But let us go on.

Therefore Law is the distinction between things just and unjust, made in agreement with that primal and most ancient of all things, Nature; and in conformity to Nature's standard are framed those human laws which inflict punishment upon the wicked but defend and protect the good.

You see, it seems that this sanction element, and the practical effectiveness, belongs to the laws of men as distinguished from this primary law which has the character of precepts. That is an important consideration.

Now in the sequel he makes clear that the true law can never be abrogated. In other words, if the people decide something against that, that has no effect. Well it has, of course, the effect that people who transgress it will be punished. But that is not a legitimate effect, or just effect. It cannot have any just effect. The true law must be accepted by the wise as wise, as distinguished from the people or the Senate. You see at the beginning of this long

passage in paragraph 14 that Cicero speaks again of Plato, whom he calls the most learned of men and the most weighty of all philosophers. I mention this only to point out that this must be the starting point of any interpretation. Cicero's explicit statements about the thinkers who preceded him. And he is perfectly clear, unambiguous, in regard to Plato. This is, naturally, only the beginning, because then we have to raise the question, where does Cicero explicitly deviate from Plato and where does he implicitly deviate from him. Then we would have a clearer understanding of what Cicero wanted. But we cannot begin with the notion of Cicero as a Roman consul, who, as an educated gentleman, only accidentally looked into these philosophic books.

But you see in this context that he has a very different understanding of the relation of Plato's Republic and Plato's Laws than is warranted by Plato himself. Hesays here that Plato wrote first on the commonwealth and then separately about the laws of that commonwealth. which is not true. The Laws are the laws of a different commonwealth than the one which Plato presented in the Republic.

I think we should then turn to the end of paragraph 15, this long paragraph, because here we come to the whole question of theology.

So in the very beginning we must persuade our citizens that the gods are the lords and rulers of all things, and that what is done, is done by their will and authority; that they are likewise great benefactors of man, observing the character of every individual, what he does, of what wrong he is guilty, and with what intentions and with what piety he fulfils his religious duties; and that they take note of the pious and the impious. For surely minds which are imbued with such ideas will not fail to form true and useful opinions.

In the Latin, will not be shocked away from a useful or true opinion. In other words he does not say that every true opinion must be useful, or visa versa. And now he goes on.

Indeed, what is more true than that no one ought to be so foolishly proud as to think that, though reason and intellect exist in himself, they do not exist in the heavens and the universe, or that those things which can hardly be understood by the highest reasoning powers of the human intellect are guided by no reason at all? In truth, the man that is not driven to gratitude by the orderly courses of the stars, the regular alternation of day and night, the gentle progress of the seasons, and the produce of the earth brought forth for our sustenance—how can such an one be accounted a man at all?

Look at what that means. His friend Atticus is around, who doesn't believe these things. Never forget that.

And since all things that possess reason stand above those things which are without reason, and since it would be sacrilege to say that anything stands above universal Nature, we must admit that reason is inherent in Nature.

Who will deny that such beliefs are useful

Useful. That is an important consideration.

when he remembers how often oaths are used to confirm agreements, how important to our well-being is the sanctity of treaties, how many persons are deterred from crime by the fear of divine punishment, and how sacred an association of citizens becomes when the immortal gods are made members of it, either as judges or as witnesses?

You see, these are two different considerations. Atticus, who would not grant the first part, might grant the second part.

Now this part is the prelude to the law, to use the Platonic expression as we find it in the Laws. So Cicero follows in the Laws, in this respect, the Platonic procedure. Not merely laws are handed down, dictated, but the reasoning, justifying these laws precedes or follows the laws. That is Plato's principle in the Laws—that a merely dictated law, without the persuasive reasoning making these laws appear to be reasonable, is not sufficient.

Now let us consider the next speech.

Q. There it is indeed, brother, and I am particularly pleased that you have taken up different subjects and presented different ideas from his. For nothing could be more unlike his treatment than your previous remarks, and also this preface in regard to the gods. In just one thing you do seem to me to imitate him—in the style of your language.

M. Wish to do so, possibly; for who can or ever will be able to imitate him in this? It is very easy to translate another man's ideas

Sentences, propositions, or something like this, not ideas. Think only of the Platonic ideas, how can they be translated.

and I might do that, if I did not fully wish to be myself. For what difficulty is there in presenting the same thoughts rendered in practically the same phrases?

This alludes to the fact, although it needs a much closer study to be interpreted, that there is a certain independence of treatment. Whether this statement of Cicero's, which Quintus finds so different from Plato's is in fact so different as he says, is a long question, into which I cannot go.

(I have a question. Does Cicero present this prelude as being simply salutary and useful, the speeches about natural law, and so on?)

Well, he presents it, as you have seen in paragraph 16, as what is truer. That no one ought to be so stupidly arrogant that to believe that while in him there is reason and mind there is no reason and mind governing the whole. That he asserts as true. The second part, at the end, where he speaks of the usefulness, for oaths and for keeping back people from crime, I would say this. If we take this literally as it is stated and forget about everything else, then we would have to say that Cicero accepted this Platonic/Stoic doctrine. Atticus surely does not accept it as an Epicurean. But Atticus can very well be swayed by the usefulness of this doctrine. The difficulty arises regarding Cicero—because of his On the Nature of the Gods and On Divination, to which I have referred before, and certain

ambiguities to be found in the first book, as well as in the Republic.

Now let us turn to paragraph 23. That is on page 399. After Cicero has completed the laws regarding religion, and Quintus is pleased with it. Let us see what Quintus says.

Q. My dear brother, how quickly you have completed this important body of law! However, it seems to me that this religious system of yours does not differ a great deal from the laws of Numa and our own customs.

M. Do you not think, then, since Scipio in my former work on the Republic offered a convincing proof that our early State was the best in the world, that we must provide that ideal State with laws which are in harmony with its character?

Incidentally, these passages and similar passages are crucial for a sufficient discussion of the question as raised on an earlier occasion—regarding Cicero and Burke. Burke says the British Constitution as it exists now is good. Cicero says only the old constitution; at present it is in a state of decay. I mention this only in passing. But he also makes clear that it differs somewhat from the old laws. Cicero, in writing this book, has without any authority except that of reason improved on the Roman laws, as you have rightly observed. And the question would be, of course, to see which are the deviations. And what is the principle underlying the deviations. That would give us a more precise understanding of what the natural law, in Cicero's sense, is. That we discussed before.

There is another reference at the end of this paragraph to the fact that Cicero's laws are not exactly the same as those of Rome. He says: "they will nevertheless be found for the most part among the customs of our ancestors." Not all. The same subject is also present in paragraph 28. In the middle of paragraph 28 there is a reference to some explicit changes made in the religious laws.

In paragraph 30-31, page 419, there comes out the political importance of this religious law. Cicero himself is an augur; he has a religious function in the city of Rome. And what is the political function? The political function is simply that since these kinds of functions are entrusted only to the ruling stratum; this religious set-up is very important for the preservation of the Roman aristocratic, non-democratic system. That is very clear.

And in paragraph 32-33 (page 411) Cicero, against Atticus, defends divination, sooth-saying, because it is obviously of a great political importance. An augur could prevent a vote at a given time. And you can imagine what this could mean politically. A vote postponed may be a vote defeated forever. You know. Moods change. Cicero explicitly, however, defends divination as true, contrary to what he does in his own book, On Divination. Atticus eventually, at the beginning of paragraph 34, fully agrees, and I believe there can be no other reason for that except that he sees the political usefulness of it.

At the end of paragraph 35 (page 415), there is an important remark which shows also the difference between Cicero and Burke.

Then what will become of our Iacchus and Eumolpidae and their impressive mysteries, if we abolish nocturnal rites? For we are composing laws not for the Roman people in particular, but for all virtuous and stable nations.

You see. So Cicero is not thinking merely of Rome. That is, of course, an outcome of the fact of his natural law. The principles of the best polity, regardless of whether the best polity is found in Rome or anywhere else.

In paragraph 39 we find a reference to the difference between Cicero and Plato. It concerns music. Cicero is much more lenient than Plato. He does not believe that so much depends on the preservation of good manners as in Plato. That is just the opposite of what we saw in an earlier passage, where Cicero showed that the Romans were more strict than Plato in matters of sexual morality.

(It is interesting to see that he says, of Plato, "by far the most learned whom Greece has produced." It is not unqualified.) Where is that?

(Paragraph 39.)

Yes. I see. In other words, that is an indication of the fact that he does not completely agree with him?

(Yes.)

That is a good point.

And in paragraph 40 (page 421), if you will read that first speech.

The next provision of the law is that the best of the ancestral rites shall be preserved. For when the Athenians consulted the Pythian Apollo on this point, as to what religious rites they should by preference retain, the oracle answered: "Those which were among the customs of your ancestors." And when they came a second time and, saying that their ancestors' customs had undergone many changes, asked which custom they should follow by preference out of the many, the answer was, "The best." And it is assuredly true that that is to be considered most ancient and nearest to God which is the best.

What would Buries have said? If he had been the oracle? It is a problem whether he would have said the best, or whether he would have said what is now longest. That is a problem. I am sorry that I have to leave now. There is a very important passage in the immediate sequel dealing with divine punishment which we must discuss. And then we will turn to Book III and Book I.

(End of lecture)

Let me see. I believe we can start on page 423.

As for the scrupulous performance of vows, the words of the law suffice, (if a vow is really a) contract, by which we are bound to God. Surely punishment for the violation of obligations sanctioned by religion is open to no just criticism. Why should I give here those examples of the fate of such criminals of which the tragedies are full? I prefer to touch on deeds which are present before our eyes. Though I fear this instance may seem beyond human fortune, yet, since I am speaking to you, I shall keep nothing back, in the hope that what I am about to say will be pleasing rather than offensive to the immortal gods. In the matter of my exile, all the laws of religion were violated by the crimes of depraved citizens; the lares of our family were mistreated, on the site of their home a temple to licence was erected, and the man who had saved our shrines was driven from them. Think for a few moments (for there is no person) what consequences followed these acts. I, who would not allow that guardian of the city to be violated by the wicked, even when all my property was snatched from me and destroyed, but conveyed her from my house to her father's-- I have been vindicated by the judgment of the Senate, of Italy, and indeed of all nations, as the saviour of the fatherland. And what more glorious honour could come to a man? But those by whose crimes religion was trampled down and violated are partly scattered and dispersed; and those who were the leaders in those crimes and guilty beyond the rest of the violation of everything sacred have not only been tortured during their lives by (disgrace) and dishonour, but have even been deprived of a grave and of the proper rites of burial.

Now what would you say to that argument. The arguments from tragedies would, of course, be wholly inconclusive, because these are invented events. But what about Cicero's own experiences.

(Well, when you consider what happened to Cicero, you see ample compensation.)

And now Cicero goes on.

Q. I am aware of these facts, my dear brother, and I refer due thanks to the gods, but only too frequently we see things happen somewhat differently.

M. That, Quintus, is because we have a mistaken view of the nature of divine punishment; we are led into error by popular opinions, and do not perceive the truth. We estimate the unhappiness of men on the basis of death, physical pain, mental anguish, or condemnation in the courts; things which are common in human life, I admit, and happen to many good men. But crime carries with it a terrible vengeance, and, in addition to its results, from its very nature it is its own worst punishment. We have seen those men, who would never have been my personal enemies unless they had hated the fatherland, on fire now with greed, now with fear, and now with remorse, and, whatever the business on which they were engaged, filled now with fear of the gods, now with scorn of

religion and the courts, whose authority they had overthrown by bribing not gods but men. But I will stop there, and speak of them no more especially as I have been more terribly avenged than I ever desired. One fact only I will state briefly; the punishment of the gods is a double one, consisting of mental tortures during life, and of such ignominy after death that the living not only approve of the destruction of the guilty but even rejoice thereat.

Now what is then the sanction according to this statement? He speaks here, of course, not explicitly of the natural law, but of religious crimes in particular. But still, we can try to apply that to natural law. What is the sanction?

(Bad conscience and infamy.)

A bad conscience and infamy after death.

(I got the impression not so much of remorse as that . . . (inaudible) . . . The picture he paints of the conspirators, not so much consumed by remorse as . . . (inaudible) . . . They have cut themselves off from the natural order by sinning.)

But the question is whether all wicked people really were tortured by conscience. That is the question here. And as for the infamy after death, the question is whether this is such a simple thing. Sometimes very successful tyrants. There comes a great problem. Take the tyrant, for example. Is infamy or glory not dependent to some extent on success? Then you can have recourse only to the judgment of intelligent and good men. There is a difference between genuine glory and spurious glory. But the question is how far this acts as an incentive on the wicked. Are they tortured by their conscience and are they in any way influenced by the judgment of good and wise men during their life or after death?

(This reminds me of a passage in Aristotle, where he compares the effects on a man of life after death to what happens in a tragedy. And the only conclusion was that there was very little effect, that what happens after death has very little effect on his well being or his happiness.)

Do you mean the discussion in the first book of the Ethics?

(Yes.)

But that is a different question. The question is this. Part of happiness is what kind of children one has and the fate of the children. And if you are old enough, for example, to have grandchildren, then also the fate and the character of those grandchildren affects your happiness. And where do you draw the line. Well, if you say, whatever happens after your death is no longer of concern to you, say, a young father of thirty years who dies. Can you not say that this is inhuman—to say that it is of no concern to him what happens to his children after death. And that some line must be drawn, even though it is impossible to draw it exactly. That is the question he is discussing there. Because if there is no line drawn happiness is absolutely impossible. Because then your happiness depends on what is happening to your descendants in the fourth, fifth, sixth degree and so on. And Aristotle tries to save the principle that no one is to be praised as happy before his death. But he says, how far after death must you go.

(A man must have had a full life in order to be praised as truly happy.)

Yes, sure. But even here he is affected to some extent by the fate of his children after him. Therefore the question is where do you draw the line.

(And this has nothing to do with the question of infamy as such?) As far as I remember the passage that was not the theme. The theme was the peculiar inexactness which the notion of happiness is found to have. And yet the notion is not completely vague. Somewhere a line exists. If something happened one hundred and fifty years after the death of a man to his family, you could still say, looking back on it, he led a happy life. But if it would happen to his very children, whom he had cherished and so on, it would be, his happiness would be dimmed somehow.

(The example might be presented of the death of Oedipus' father.) Does this come in in Aristotle's argument?)

(. . . inaudible . . .)

I do not remember that at the moment.)

(. . . inaudible . . .)

Well, is the point of view of the comparison the completeness or what? Just as the drama must be complete there must be a kind of completeness of life. I cannot help you at the moment on that.

(How can my happiness or unhappiness be affected by anything that happens after my death.)

Aristotle says that it can.

(How?)

Well, think of it in practical terms, as one must speak about all these matters. Do parents not worry about what is going to happen to their children after their death?

(Certainly.)

And, therefore, while they can no longer see it or feel it, their happiness is affected by both the positive and the negative expectations. That is the point which Aristotle argues. And he would say that if we see such a man, a perfectly virtuous man and properly rewarded for his virtue during his life, and then he dies and is buried, and everything is fine, but the next day the whole edifice crashes, somehow it affects him. Well, if we would say, it is good for the old fellow that he died before. That we say. But Aristotle says that there is also something inhuman in this judgment, by divorcing his happiness from that thing which was an important part of his happiness. Aristotle follows here simple, ordinary, popular notions of happiness. That this is not happiness in the highest sense, that goes without saying. But then you have to sacrifice many more things in order to be happy in that highest sense. The theoretical life, as it turns out.

(My point was that you have to be, to be something, before you can be happy, before this enters.)

If I remember this passage well, there is some indication that there is some awareness, at least for some time, in departed people of what happens to their children. The argument of the first book is altogether popular.

(Are these comments related to Cicero?)

No, I don't see any relation to Cicero.

(Then let us consider his punishment, infamy after death.)

Well, this is an entirely different question. Well, you may not have seen this, but quite a number of people have said, either about themselves or others, that they are very much concerned with fame after

death. Quite a few people took very great risks, and made very great sacrifices, in order to achieve something, and the only reward they thought of was posthumous glory. I believe this exists even today. It surely existed in classical antiquity.

(But the point I am trying to make is that as long as the person is alive, this is a component of his happiness. Let us say he worked hard, thinking he was going to live in fame for ages and ages, but then he dies, and something happens so that he lives in infamy, I am saying that this leaves the person untouched, regarding his own happiness.)

Well, you are a wise man. And you have seen the delusions of glory. Unfortunately, or fortunately, quite a few people are under the spell of this delusion. That we must presuppose for this argument. Tyrants, conquerors, and so on—they can be presumed to have had such a concern with being remembered forever. Now the question is, how are they punished for their wickedness? How there is a sanction of this law. And Cicero's answer is that in the first place they will be tortured by their conscience while they live, for which there is of course no evidence that they did. One can't say that. And the second point is that surely they will be infamous after death. They are concerned with their fame after death—that is the premise of the argument. But the question is, how can Cicero assert with such definiteness that they will be infamous after death. Because there is a terrible deceiver in the world, and it is called success. If a conqueror has erected an empire, and it lasts for a considerable time, as long as empires last, there will always be people corrupted by the splendor of success who will praise him. Or you must make a distinction between deserved and undeserved glory. But this, as you know, is a distinction which is hard to make. And one would really have to think the whole problem of glory through again. And say that glory means only grateful recollections by people able to judge. But even if you do that you are under the following difficulty. After some time you do not know of these people except by historians. Now if the historians have been bribed by god knows what, maybe even by success or by other regards, more tangible rewards, to write eulogies of this man, and if these historians were in addition first rate pleaders. You know that it is not too difficult to place an atrocious fellow in a favourable light. Every lawyer, barrister, does this. And the historians tend to do it much more. Now the only radical solution would be, of course, that which you drew—glory by itself means nothing. And the only help you have is, say, let us take the master of those who know—Aristotle. His glory does not depend on what any historians tell us. We can ourselves judge whether he deserves fame or not because his thought in a way is as present to us as it was to the people talking to him. That is true. It is a very important practical question, the question of glory, and I am glad that we had an opportunity to speak about it. But here we must simply take it. Otherwise we destroy the whole argument if we deny all the premises.

(. . . (inaudible) . . . Cicero may have been inclined to accept the notion that the ghosts . . . (inaudible) . . .)

The striking thing here is that there is nothing said about tortures or punishments after death. They are tortured while they live by their conscience. And after death they have only infamy.

(. . . (inaudible) . . .)

But in the decisive statement made about the punishment explicitly,

there is no reference to punishment after death. But you wanted also to ask another question. By the way, the word conscience appears in the original, as it did before.

(. . . (injudicial). . .)

Yes, I see your point. In other words, it is wrong to take this only in the meaning of remorse.

(Remorse is one of the things.)

That is perfectly correct. Certainly, to a sage the cupidity and other perturbations of the mind of Al Capone, to take a neutral example, are surely a certain kind of punishment. But the trouble is that he does not so much feel it as a punishment. Because he has no awareness of the serenity of the sage. He compares the things of which he knows. The others work hard, the majority of men, and have no power. And he has, at least he believes at any rate, that he is a kind of king. No one has appointed him, or elected him, nor has he inherited it, but by nature he is in command. And everyone trembles before him. That this is of course not universally true--there is still the United States Government--is quite true. It is not a very well thought out doctrine on which such a criminal acts; I am sure of that. But it is, on the data known to him, the most desirable life.

(On the data known to him.)

Yes, on the basis of his limited knowledge.

(What I was going to say is this. Is not Cicero working here on an objective notion of happiness. That this man, no matter how stupid and narrow his view might be, would never be truly happy. It's not just a question of his thinking himself happy.)

That is absolutely correct. And the question is, must he not himself become affected somehow if the natural law is to have sanction. What would it amount to? There is an order of nature, and those who comply with that are truly happy, even if they are tortured and poor and all kinds of other things. And those who do not comply with it are by this very fact unhappy, even if they believe themselves to be happy. That would be the question. But the question is whether one can so completely separate the objective from the subjective. Differently stated. Is not in the Greek notion of happiness also implied the element of pleasure. And not merely the pleasure accompanying the act, but that the whole life conducted along these lines has this element of pleasure. And the reason why I say it is this. When you read Aristotle's Ethics, he begins with courage, and ascends from there to the other virtues, and at the end to the theoretical life. Now courage is that virtue where the acts of courage, the confirmation of it, namely, fighting, the imminence of death, and so on, where there is a great divorce of the inherent nobility and the pleasant. In the case of the other virtues, for example, if you take temperance, there is certainly a mild pleasure accompanying a moderate consumption of food and drink. And if you take too little or too much there is a pain of one kind or another. You do not live moderately. And in the highest form, the theoretical life, the activity in itself is intrinsically pleasant. In spite of the fact that, as Aristotle says, learning is painful. But the learning is only leading up to that. That consideration remains--whether the mere intrinsic nobility is sufficient for constituting happiness.

(But this would not destroy this other thing. Suppose the case is true that the virtuous man lacks these other things-- the

necessities of life, and so on. Somehow he can't be called a truly happy man. There is a certain thing missing. But to turn the case around, the man who possesses all of these externals but does not possess virtue Aristotle would judge to be more unhappy.)

Well, not only Aristotle. We all would say that if we see a very rich and prosperous man who is an abomination as a human being, we would surely prefer a nice and sensible beggar. That is clear. But the question is not merely that of the nobility. The question is when we speak of law what of the sanctions. But I believe I can refute you on the basis of the evidence here, because the infamy or the fame, and the infamy especially is something clearly extrinsic to the nobility of the action. Obviously a man can commit a most noble deed, and no infamy or fame can come of it because no one knows of it. The Stoic doctrine is, of course, very complicated because they deny the relevance of anything outside of the virtuous act itself. But the Aristotelian doctrine and the Platonic doctrine allows of an additional element. Happiness is virtue plus something. This something is very small in dignity compared to the other, but it is nothing. In the Stoic doctrine it is nothing. And that leads to that famous rigorism and extremism of the Stoics which is alien to Plato and Aristotle. But we may find some more later, and we will take this up again.

Let us begin where we left off, and let us read only the beginning and the end of the next paragraph.

In my prohibition of the consecration of land I am in complete agreement with Plato, who expresses his opinion in about the following words, if I can translate the passage:

Now let us skip that and read at the end of this paragraph in regard to Cicero's changes.

These are his provisions: as for mine, in other respects I have not laid down such strict rules as his, out of consideration for the faults of men and the resources of human life in our time; but regarding the land, I am afraid its cultivation will decline if any superstitions should grow up about its use or subjection to the plough.

You see here a further illustration, and a minor illustration, of the deviations from Plato. Here Cicero is explicitly less severe and less strict than Plato. He makes greater allowance for human vices, as he puts it. This should also be taken into consideration.

Now here there is a difficulty to which you referred in your paper last time—that there is an omission here. When Atticus interrupts here, as you see. Will you read this at the bottom of page 427.

A. You have given me a clear idea of these subjects; now the perpetual rites and the privileges of the gods of the lower world await your treatment.

M. What a remarkable memory is yours, Pomponius! I had forgotten those subjects.

Now look at the end of paragraph 22; that is on page 399 top. Remember that these are all the commentary. We are reading now Cicero's comments on the laws which he stated at the beginning of his speech.

Now where he says: "No one shall consecrate a field; the consecration of gold, silver, and ivory shall be confined to reasonable limits." This he has discussed. And then there comes "The sacred rites of families shall remain forever." And according to Atticus this is the end of it. You see, he says that remains. No, I'm sorry, he asks also for the rites of the gods of the lower world. But the last point, namely, "Kinsfolk who are dead shall be considered gods," this he does not refer to. Atticus does not refer to that.

(. . . inaudible . . .)

Yes, but that could have been an abbreviation, because of the other sacred things which have been mentioned. But let us turn to this other. This is the question of immortality. What about the status of the dead people. That meant especially in this case the dead kinsfolk. What was your suggestion last time regarding this subject?

(. . . inaudible . . .)

But I don't believe that that would necessarily follow. I think it has something to do with the question of immortality. And since, in the matter of punishment, he mentions only fame or infamy after death and not punishment after death.

(This leads to a long discussion on graves.)

But we have already seen that that is in. Plato's statement on graves is mentioned. No, I'm sorry, that was not about graves but about consecration.

(Are you concerned with the discussion that ensues between Atticus and Cicero about burial rites and so on.)

But is there any reference to immortality there—in this following paragraph. I do not remember.

(. . . inaudible . . .)

Oh yes, there is a reference at the end of paragraph 68, but in a summary of Plato. Page 455 bottom. But you said something last time about the doctrine of divine punishment which I do not remember.

(I do not remember.)

Well, I will take this up in another context. Now let us turn to Book III. Book II ends and Book III begins with references to Plato, and especially a praise of Plato again in the first paragraph of Book III. The Laws simply abound with that. And that is, in a way, a part of Cicero's teaching—this admiration of Plato. We do not have to read that, but let us turn to paragraph 2, because there we have an explicit reference again to natural right.

You understand, then, that the function of a magistrate is to govern, and to give commands which are just and beneficial and in conformity with the law. For as the laws govern the magistrate, so the magistrate governs the people, and it can truly be said that the magistrate is a speaking law, and the law a silent magistrate. Nothing, moreover, is so completely in accordance with the principles of justice and the demands of Nature (and when I use these expressions, I wish it understood that I mean Law) as is government, without which existence is impossible for a household, a city, a nation, the human race, physical nature, and the universe itself. For the universe obeys God; seas and lands obey the universe, and human life is subject to the decrees of supreme law.

The subject of Book III is the magistrates, which means the government. The government, especially the executive part of the government, as we would say in our language. That comes after the gods. Now what

he says here is to state the principle that government belongs to the right and the condition of nature. We have seen statements to this effect in Book III of the Republic. Government is in itself natural. There is a long argument in the first book of Aristotle's Politica, as you may remember, where Aristotle shows against some anarchist, as we would say—people who say that government is against nature, coercion or government is against nature, whereas Aristotle shows that government, commanding, superiority and therefore inferiority goes through everything. In the body, the soul is in command, and the phenomenon of ruling and controlling goes through all nature. And, therefore, in particular, also regarding the case of man. Nature itself is hierarchic, and therefore the human hierarchy is based on a natural principle. He mentions here four kinds of associations, as we have seen: the household, the commonwealth (that would be the Greek polis), the nation, or tribe, and the whole human race. You will find no parallel to that in Plato and Aristotle. In the Platonic/Aristotelian . . .

(End of reel)

. . . meant to be governed by human beings. In other words, does this mean a world state, strictly speaking? In the remarks which Cicero makes about this whole human race as a unity and as a kind of society, the gods are always included. In other words, there would not be a human government of them.

(Question . . . inaudible . . .)

There are plenty of references to the Republic in the Laws. There are very frequent references. But I do not think this is there. Only regarding special points. The whole issue of the mixed regime and the simple regimes is not explicitly taken up . . .

(Then he never mentions the various regimes at all?)

He mentions it only in a very limited way, namely, in regard to the relative power of the aristocratic and the democratic element. Of course, you must never forget that the Laws as we have them are fragmentary. We do not know what subjects have come up in the large parts now missing.

(Question . . . inaudible . . .)

Well, sure, that is a very important point. But why is it important to you?

(. . . inaudible . . .)

By the way, that you find also in Plato, although only in the form of a myth, in the Statesman. Where he describes how under Kronos, the human race, consisting of various parts, say the nations, and each being ruled by a demon, by a divine being. And therefore that is a part of that perfect order of the age of Kronos—that men were ruled by gods, or by demons. And the understanding there is that this was one society, one society ruled by a kind of confederate demons, you could say.

(. . . inaudible . . .)

Again in Plato I believe that is not fundamentally different, because while the rule of one man, or of a very small number of men (i.e. the perfectly wise) is at first glance the most desirable, a moment's reflection shows that you cannot leave it at that. There you have to have a lower—rule not by simply wise people but by people who are, who can be presumed to produce collectively a reasonable amount of wisdom and virtue. You are more likely to have this than the perfect regime, the regime of perfect wisdom. Whether that is spelled out in the form of a mixed regime as you have it in Cicero and Polybius, or

whether as it is in Plato—e.g. in the Laws, where the best regime is a kind of mixture of monarchy and democracy. And not simply a mixture of monarchic institutions with democratic institutions, but of the spirit, you know, of monarchy and democracy. I would say there is no fundamental difference. It is an important practical or technical difference whether you have these concrete institutions—a democratic institution, an aristocratic institution, a quasi-royal institution, and so on—or whether this is done in a more unitary way as in Plato's Laws. But that does not affect the principle, I believe. What are you driving at?

(. . . inaudible . . .)

Surely, Cicero starts from the premise that he will have to present the Roman order as the best order, and in the process make the indispensable improvements to make it acceptable. And that is not Plato's premise, surely. That would affect the presentation in various ways, but it does not necessarily affect the political principles.

(. . . inaudible . . .)

I see. What you are driving at is this. If we want to find out in specific terms what natural law and natural right mean, we start from the fact that government as such is natural; that means, government of the lower by the higher. By nature.

(A natural hierarchy.)

Yes. And then you arrive, in the extreme and clearest case, at monarchy—the perfectly wise man who has absolute rule over the less wise. That is what Scipio suggests in the first book of the Republic as the best of the simple regimes. And now, certain very obvious considerations induce us to say, well, this fellow cannot be trusted, and if he can, his sons cannot be trusted. Therefore, let us have a republic, a much more egalitarian settlement, which is a step lower.

(You say it is lower. I thought it was higher.)

In one respect it is of course higher, because it is on the whole more possible. As he puts it in the Republic: Necessity frequently vanquishes reason. You remember that? That is the classic case. Now is this then not a deviation, a prudent deviation from the best, a prudent adaptation to unwisdom? And that brings in an element of the unnatural, the conventional. Were you driving at that?

(Yes. I think that is a satisfactory statement.)

Now I believe something of this kind happens also in Plato. But, as Mr. Sasseen would say, this has nothing to do with natural law proper, because this belongs to the sphere of political arrangements where all kinds of practical adjustments have been made, which in themselves are morally neutral.

(. . . inaudible . . .)

You don't know. The question is whether the later writers did not always understand by natural right or natural law, and certainly by natural right, something intrinsically political. We think, when we hear today the term natural law, primarily something like the second table of the Decalogue. And that is the question. Whether these writers thought, at least primarily, of anything like the second table of the Decalogue, and not much more of the proper order of government, of rule, in society. That is one great problem. This cannot be decided by the very few things we have considered hitherto, but we must be open to that.

I believe that in the immediate sequel (par. 4) this question

of monarchy will come up again. Will you read that.

But to return to matters which are closer to us and better known: all ancient nations were at one time ruled by kings.

Now what are these things that are "better known to us"? The implication is that these cosmological reflections about the rule of the universe by superior minds and gods is much less known to us. And that has something to do with a kind of doubt Cicero has. In political matters, and in moral matters proper, there we know our way. We are familiar with that. To the extent that natural law is based on a cosmology, it is much less known to us than the political arrangements proper, e.g. which power should be assigned to the common people and which to the Senate.

(. . . inaudible . . .)

But if it is less known, is it not necessarily less certain as far as we are concerned.

(. . . inaudible . . .)

No, he says us. To us. To us human beings. And I believe he includes himself here. No, that is not necessarily true. Sometimes people speak differently; I mean, they say "we" when they mean everyone concerned, and they may very well make a reservation in favor of themselves—but a reservation which is practically meaningless because the others would not grant that. This would be the point from which the argument would start. So I was not joking when I said he includes himself. Now, will you go on. (Book III, p 461 Loeb)

This kind of authority was entrusted at first to those who excelled in justice and wisdom, as was notably the case in our own State while the monarchy lasted. Later the kingship was handed down to the king's descendants, which is still the custom in present-day kingdoms. Now those who objected to monarchy desired, not to have no one to obey; but not always to obey the same man. But we, since we are providing a system of law for free nations, and have presented our conception of the ideal State in our six earlier books, shall now propose laws which we consider the best.

You see, when you read merely this paragraph you have the impression that Cicero is not absolutely opposed to monarchy. He makes a distinction between those who like royal power and those who do not like it. He does not go into the question whether this liking or this disliking of royal power is the right thing. There is a certain openness to monarchy here. Consider a later paragraph (par. 15, page 477)

Well, then, these philosophers have considered whether it is best for the State to have one magistrate who shall be obeyed by everyone else. I understand that this was considered the best plan by our ancestors after the expulsion of the kings. But since the monarchy, which had formerly been approved, was later rejected, not so much through the fault of the kingship as that of the king,

You see, again. It might be accidental. It is not essential to royalty to turn into tyranny. This only in passing.

But Cicero here argues, of course, here entirely on the premise that a republican regime is a better order. And that means not a fundamental distinction between the ruling personnel and the ruled (the king being a life-long ruler and never, except as a child, being ruled) but in a republic the rulers are ruled in turn. As you know,

the time will come when President Eisenhower will be ruled by another President, as President Truman is now. Whereas in a monarchy the king will never be ruled by another king. So he turns, therefore, to these questions.

Then he gives the laws regarding magistrates. We do not have to read these. We go on after this is finished at the end of par. 11, page 471. You see that in the remarks he makes on page 473 that these laws regarding the Roman magistrates are almost entirely the actual Roman laws. But not completely. Cicero avails himself of this authority vested in him by nature, namely the fact that he has reason, to change these laws, at least in his book—which he was free to do. Let us read paragraph 13, page 473.

A. And will you now be kind enough to present your reasons for considering these provisions in regard to the magistrates to be the best, as you did, at my suggestion and request, in your treatment of the laws of religion?

M. I will do as you ask, Atticus, treating the whole subject in accordance with the investigations and discussions of the most learned of the Greek writers. I shall also touch on our laws, as I did before.

A. That is exactly the method of treatment to which I am looking forward.

M. However, I included a great deal of general matter on this subject in my former work, as was necessary in an inquiry into the nature of the ideal State; but on this topic of the magistrates there are certain special points which have been investigated first by Theophrastus, and then with greater accuracy by Diogenes the Stoic.

What is here clear regarding the whole question of Romans and Greeks—the subject matter is Roman, the mass of the subject matter, but the manner of treatment is Greek. Of course, it is more strict to say that it is philosophic. But by accident that is Greek, and since philosophy happened to come to Rome from Greece, the question is also that philosophy appears not only as something new compared with the ancestral way of life but, in addition, as something foreign. We discussed that when we read the Laws together last quarter. You remember that, perhaps? That the difficulty the philosopher, the Athenian Stranger has there is convincing the Cretans of the wisdom of certain changes was not only that it was novel what he suggested but also that it was foreign—that he was a foreigner, an Athenian. Therefore, these old men smelled something foreign, and for this reason something undesirable. So he has to do quite a rhetorical job in appeasing their suspicion of the foreign and the foreign, not only of the new as new. These are two different considerations. And they aggravate each other, of course. Because if a native would have said it, he would have been free from this particular blamish. But, of course, that even the newness creates a difficulty is shown by Socrates, who was an Athenian citizen and nevertheless got in trouble. Now here we find in the sequel a very interesting remark about the philosophic tradition, about the tradition of political philosophy prior to Cicero, which I think we should read. Because it is very rare that we get some historical information of this kind straight from the horse's mouth, from the mouth of a man who was really competent. The hypothesis of modern historians have much less weight,

it seems to me, than such a remark of Cicero, who knew this whole literature. Now let us read that.

Do you really mean to say that even the Stoics have treated these problems?

You see, the first reaction is very easy. That the Epicureans didn't write about political things was elementary, but even the Stoics. They didn't do that. And Cicero says, well, there was one exception—Panaetius. He was a contemporary of Polybius, that is, about fifty to sixty years prior to Cicero's birth. Panaetius was a Stoic who returned, in a way, to Plato and Aristotle and gave the Stoic doctrine a kind of breadth and also a kind of political breadth which it did not have before. Now read that.

M. None of them except the philosopher I have just mentioned, and, after his time, the eminent and very learned Panaetius. For though the older Stoics also discussed the State, and with keen insight, their discussions were purely theoretical and not intended, as mine is, to be useful to nations and citizens. The other school led by Plato provides most of our present material. After him Aristotle and Heraclides of Pontus, another of Plato's pupils, illuminated this whole subject of the constitution of the State by their discussions. And, as you know, Aristotle's pupil Theophrastus specialized in such topics. Dicaearchus, another of Aristotle's disciples, did not neglect this field of thought and investigation. Later a follower of Theophrastus, Demetrius of Phalerum, whom I mentioned before, had remarkable success in bringing learning out of its shady bowers and scholarly seclusion, not merely into the sunlight and the dust, but even into the very battle-line and the centre of the conflict. For we can mention the names of many great practical statesmen who have been moderately learned, and also of many very learned men who have had some little experience in practical politics; but who can readily be found, except this man, that excelled in both careers, so as to be foremost both in the pursuit of learning and in the actual government of a State?

A. Such a man can be found, I believe; in fact I think he would be one of us three! But continue with what you were saying.

Well, what do you say to that? I hope you don't say that this is an act of vanity of the author. No, I think that would really be unfair to Cicero. It is a claim which he raises and which has a much more than personal meaning. It is connected with the great question of the theoretical and practical life. And we have seen when we read the Republic, that this notion emerged—that while there is an intrinsic superiority of the theoretical to the practical life, the men who would combine both perfections might as such, that this life might be higher than the merely theoretical life. And Cicero had surely a sufficient sense of humor, as we say, to know how amusing it is if he writes his own praise but under the guise that someone else praises him. But I would assume that Atticus would have said it—so that Cicero did not have to invent this praise.

(He carries this self praise to a much greater extent in the Offices.)

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Regarding this point--of the combination of the two perfections?
I do not remember it.

(There are a number of passages.)

Cicero is certainly known as a somewhat vain man; . . .

(. . . inaudible . . .)

Yes, but here this is not an oration; it is meant to be a philosophic book. Plato would never have put it quite in that way, that is quite true. But Plato surely had a very high opinion of himself; there is no doubt about that. But he would never . . .

(. . . inaudible . . .)

No, I'm sorry, that is a bad translation. Cicero is not responsible for that. The old ones discussed it only in speech, verbally, in an acute manner, in a subtle manner, but they didn't discuss it for this popular and political use. You could, as an interpretation it is defensible, but it goes much beyond what Cicero says. In other words, they did not go into the concrete questions of political life. They left it at some generality. Well, we have their discussions in which it is proved that the only king is the wise man and, as they did not hesitate to add, the only true general is the wise man--the famous paradoxes of the Stoics. The old Stoics went beyond that. We know from the few fragments that the recommendation of the mixed regime, which is a popular teaching, a practical teaching, occurred in some of the old Stoics. But, as an overall judgment, it is probably correct; they left it at this greatest level of generality, where the political as such is transcended. And that it was somehow always to the influence of Plato and/or Aristotle when later Stoics brought in the politically useful element into their teaching.

(. . . inaudible . . .)

Yes, to deal politically with political things, experience is needed. But that was never questioned. In Aristotle that is written large. In Plato it is not so much emphasized but it is also stated explicitly in connection with the philosopher-king. They must have political experience.

(. . . inaudible . . .)

Well, you can even state it in the most theoretical way: the philosopher who has seen the sun, the idea of the good, has to return to the cave and accustom his eyes to the shadows of the artifacts--that is experience. Without that, he cannot help his fellow prisoners. So that is clear. There there is no question. But in order to find out these most universal verities, which, in non-paradoxical language, simply mean what the political life can never achieve but somehow aims at, is achieved by the theoretical life. For this you do not need great political experience. Of course, a big human experience is really needed, but that we all acquire while we go. But for political activity, political experience is needed; there is no question about that.

Now in the sequel there comes out--which will be developed later on--what the dialogical situation is. And that was stated last time. The two interlocutors are both anti-democratic. Real reactionaries. And that is interesting, because Atticus is an Epicurean and Quintus is, if we can trust the presentation in On the Nature of the Gods and On Divination a naive Stoic. But in this respect they are not different. They are old Roman citizens with very strong aristocratic leanings. And so we find Cicero here, of course, not as a defender of democracy but as a defender of certain concessions to the common

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people. And especially, the great controversial issue here is the tribunate of the people, this great Roman democratic institution by which the plebs were defended against the power of the Senate and of the Consuls. We don't have to read this immediate section. Let us read only one passage (page 487).

But consider the wisdom of our ancestors in this matter. When the Senate had granted this power to the plebians, conflict ceased, rebellion was at an end, and a measure of compromise was discovered which made the more humble believe that they were accorded equality with the nobility; and such a compromise was the only salvation of the State.

"But we have had the two Gracchi," you say.

In other words, the two Gracchi, that was—Well, I don't want this to be construed as a political utterance of mine, but as a purely value free statement of mine. When you hear certain people, for example, talk about Franklin Roosevelt, you know, and the New Deal, that was the way in which they looked at the Gracchi. They wanted to have some reforms of the agrarian law, you know. They were men coming from the upper classes, the aristocracy, who became, so it was thought, traitors to their class.

(. . . inaudible . . .)

Populist policies made by men coming from the upper class. Now go on.

Yes, and you could mention many more besides; for when a college of ten is elected, you will find some tribunes in every period whose activities are harmful, and perhaps more who are irresponsible and without influence for good; but in the meantime the senatorial order is not subject to envy, and the common people make no desperate struggles for their rights. Thus it is clear that either the monarchy ought never to have been abolished, or else that real liberty, not a pretence of it, had to be given to the common people; but this liberty has been granted in such a manner that the people were induced by many excellent provisions to yield to the authority of the nobles.

so, in other words, Cicero defends some liberty of the people. But which were these excellent provisions which prevented the misuse of the liberties by the plebs? Well, in the sequel (par 27 and 28) you find one institution of which we have heard, and that is the augurs, who were aristocratic magistrates and who could prevent a vote or the continuation of an assembly at a given time. And this, as you know, is enough of political power. And the final formulation is in paragraph 28 (bottom of page 491).

But we have provided for a mitigation of this disadvantage, since the authority of the Senate is legally established by our next provision, which is: Its decrees shall be binding. For the fact is that if the Senate is recognized as the leader of public policy, and all the other orders define its decrees, and are willing to allow the highest order to conduct the government by its wisdom, then this compromise, by which supreme power is granted to the people and actual authority to the Senate, will make possible the maintenance of that balanced and harmonious constitution which I have described, especially if our next law is obeyed. It is as follows: That order shall be free from dishonour, and shall be a model for the rest of the citizens.

In other words, if the Senate, if the upper class is really what it ought to be--the most respectable part of the state with severe moral standards, then this is the best. Cicero, of course, never defended the rule of a corrupt bunch of playboys. Then one could say from every point of view of justice, the most extreme democracy is preferable to that. But what he has in mind was really, as all ancient writers, a ruling class which is severely restricted regarding its own members. The modern view, of course, is that this is only a long story of hypocrisy. You know--just an oligarchy which prides itself, or presents itself, as an aristocracy. But that is not necessarily the case. In fact, it is probably very frequently the case.

Now later on we find (par 31-32) another criticism of Plato. We don't have to read that. The point is that he criticizes Plato on a relatively minor point. Plato had attached such great importance to music and so on--the unchangeability of the laws regarding musical education. And Cicero says it is much more important that the upper class has this high moral standard, which is, of course, no contradiction to Plato in any way. Plato would accept this as a matter of course.

Then we get a very interesting discussion (par 33-34) about the open or secret ballot. In Rousseau's Social Contract you find a discussion of this same subject with reference to Cicero's discussion. I have forgotten now . . . Rousseau, I think, favors the secret ballot and has a certain disagreement with Cicero here. The reactionaries are, of course, as they were at all times, in favor of the open ballot. Why are they in favor of the open ballot? What are the democrats in favor of the secret ballot and the anti-democrats in favor of the open ballot?

(. . . inaudible . . .)

Yes, how does this work?

(When you buy a man's vote, you can see whether they deliver it or not.)

Well, let us think of the respectable plebeian, who would not sell his vote. Well, are they not afraid of "economic sanctions" if they vote unsoundly. Well, think of people who are employed by a factory owner, and they vote for the wrong candidate. In the good old times, he could simply dismiss them and hire other ones. What point did you want to make?

(I wanted to make the point about conformity. If it is an open ballot the action taken in public will be more likely the action that will conform to the available norms of society.)

But, as far as conformity goes, a democrat could as much be in favor of conformism as a reactionary. I think, therefore, it is not conformism but the question is the dependence of the poor on the rich, to put it extremely and quite clearly. Whether the dependence of the poor on the rich should have full political effect in voting. And the democrats say no; it should not have political effect, because the rich are powerful enough. And, therefore, in order to give the poor people a chance, they must be independent of the rich while voting. That is the only opportunity. And, of course, the other side argues, e.g. I remember that in Bismarck, that the terrible side of the secret ballot is not only the inducement to hypocrisy (that people pretend to have voted for X when they in fact voted for Y, which is very immoral) but in addition also the god-willed dependence (meaning of the poor on the rich) is

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counteracted and destroyed by the secret ballot. You get an entirely different picture of the social situation from the ballot than that which you get if you look at the open facts, the preponderance of the wealthier people, the massive social facts. And then when the ballot comes, everyone's vote counts as much as everyone else's. As late as 1918, this form of the open ballot was present in Prussia. There were other provisions. All citizens subject to taxation were divided into three classes from the point of view of the total sum of the tax. It was possible that only one man might be present in the higher bracket, so that all others together had half of his vote. This was an additional salutary provision, but part of the total pattern was the provision for an open ballot.

(. . . inaudible . . .)

I do not know. That is an interesting question--whether under the present conditions, especially within the very large cities, the open ballot could mean anything except you have to vote as your neighbor would vote in order not to become . . . That is your point. That this would be the result if it were introduced not on this campus--we are all liberals--but say in some non-academic neighborhood?

(. . . inaudible . . .)

I mean I do not know how the issue would be of importance today. In rural districts it probably would be of some importance.

(. . . inaudible . . .)

Yes, that is another story. But apparently the Roman plebians were perfectly willing to vote and they did not need monetary inducements. In Athens it was a different story. I do not remember an explicit discussion of open and secret ballots. There is something on the subject, but I don't know exactly what, in Plato's Laws. I do not remember anything in Aristotle's Politics.

(. . . inaudible . . .)

Where, Cicero?

(The secret ballot generally.)

The secret ballot makes the lower classes independent?

(And the upper classes dependent on the lower classes.)

The secret ballot increases the power of the poor. Yes, sure.

(Much too far.)

From Cicero's point of view? Well, that all depends on the circumstances. I mean in some cases, as Aristotle would say, where you have a sensible demos, then you must give it much power. If they are savages, then you must give them the minimum power.

(. . . inaudible . . .)

Then it is a hopeless situation. A sensible man would not go into politics where there is no possibility of his achieving something.

(Isn't this connected with his condemnation of solicitation.)

He makes this point in the Republic.

What is the connection in your opinion?

(Well, if there is an open ballot, you tend because of that to be much surer of the vote on the part of those who are more or less dependent on you. Whereas, in the case of the closed ballot, you are out stumping and attempting to get votes.)

I don't see it. Certainly the point is not explicitly made, but that is certainly not a refutation of your suggestion.

(. . . inaudible . . .)

Yes, I see that, but I wonder whether that played any role in Cicero's stand. Cicero comes up with this suggestion that there should be secret votes, but that there should be as a matter of courtesy, that the simple people should, if some member of the upper classes showed some interest in it, show the ballot to them. Well, what he has in

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mind I believe is this. What he wanted to prevent was a simply open vote. Less votes can be bought. But the gentleman, who would never stoop to buying votes, and who would only see that the people behaved sensibly and had a highly public-spirited interest, that they should be able to see the ballots. Thus you would offer to show your ballot if asked by a respectable man, a dignitary, but you would not do it for a crook who has tried to bribe you. It is not a very practical suggestion, I believe, that Cicero makes.
(. . . inaudible . . .)

I see. But that is not the principle of democracy as now understood—where the woman is as much a citizen as a man. With the same right you could say that so many millions of Republicans and Democrats may not vote because . . .

(. . . inaudible . . .)

I believe the only politically relevant matter regarding the secret and open ballot was that which was fought out, generally speaking, in the 19th century—the democrats in favor of the secret vote and the anti-democrats in favor of the open vote. And, fundamentally, that was the issue in Rome as well. The question being, should the vote be used as an instrument for asserting the power of the poor, of giving the poor power, which they would never get in any other way—except, of course, violence. You can easily imagine what would have happened to a progressive income tax and inheritance tax if there would always be an open vote in a rural district.

Now there are a few more points in this book which we should consider. Par 37 (page 503)

Wherefore, since we are not now simply rehearsing the actual laws of Rome, but restoring old laws which have been lost, or else originating new ones,

Here I think it makes it particularly clear the difference between Cicero and Burke. Let me start from principles. If we take the Platonic view: the best regime is extremely improbable at any time. At the opposite pole we have the modern suggestion that the best regime must necessarily be actual. Hegel. The rational is the real. The best regime must become actual, and we are now living at that moment. This reconciliation of the ideal and real is taking place. Now in Burke, of course, there is not this Hegelian view but still, in fact, the actual is always superior to any possible speculative blueprint. Now that Cicero takes the classical view there is no question. He only asserts that by accident the Roman regime is in fact the best regime; but with great qualifications. It is not simply the best; some corrections are needed, some improvements are needed. And, above all, the present Roman regime in Cicero's time is the decayed regime. The good regime was actual in Rome a hundred years ago.

(. . . this show a dependence of Cicero on history?)

It all depends on what you mean by history. It surely means an awareness of the past and an interest in the past. But the notion as we understand it—a kind of pattern of the process, that must . . .

(. . . inaudible . . .)

Yes, sure, that in this Roman history you can discern a certain typical pattern. At the origin, royalty. And then there comes a republic. And then the republic was originally very severely aristocratic, and becomes more democratic in the course of time. This you find

also in Aristotle and in Plato. And, as a matter of fact, (inaudible). Look at Athens. You have the same thing there. Therefore, there seems to be some necessity for cities, given the other conditions (because in Sparta it was not quite the same story). This is not, of course, a universal pattern. That these tribes in northern Europe, or wherever you find them, that they should, that their life should undergo such a pattern, is not suggested. In present day language they would be static. But to the extent to which you can observe the dynamics, it has this character. From monarchy via aristocracy via democracy to a final monarchy, which is a kind of last minute tyranny—which can then turn again into (inaudible). If you call this a philosophy of history, then it exists. And that is also what Cicero puts forward. Now Cicero doesn't say it so clearly as Polybius does, but they agree that there is a cycle. And in principle it could go on forever. But sooner or later states are overrun, conquered by others, and therefore the cycle is stopped. But, in principle it could go on forever. Now, in order to slow it down, you introduce a mixed regime. By having both a monarchic, an aristocratic and a democratic element, you achieve a much greater degree of stability. But still, the decay takes place nevertheless. Only at a much slower rate. And so, for example, in Polybius' analysis and the second Punic War, both Rome and Carthage had mixed regimes. But Carthage was at that time in the democratic stage, whereas Rome was still in the aristocratic stage. And, therefore, Rome won. That is Polybius' analysis.

(. . . inaudible . . .)

That is an ambiguous term. You see, every political doctrine, even that of Plato, starts, of course, from observation.

(. . . If the mixed regime were higher than kingship, that would be true.)

Let us assume that this is true. Sure. But that was known before Cicero, say in Greece. And for all that Cicero knew, that might have been known 20,000 years ago, in an earlier Iliad, of which we know nothing because of the destruction by a catclysm. Now let us assume that the Roman set-up is superior to any other set-up known to Cicero. That does not mean that there will be afterward, after Rome has finished its cycle, a still better regime, god knows where. That is completely impossible. So at the most you could speak here of a progress achieved, but not of future progress. As a matter of fact there is no progress. You see, you had, say around 100 to 50 BC, the period of the second Punic War, Rome at its peak, and then she had fallen down—the Gracchi and so on. That was a point of decay. And what Cicero hopes for is a recovery. That doesn't mean he wants to have a Rome even superior to Rome at Scipio's time, but at best as good.

(. . . the two go together—the social cycle and the improvement of our understanding of it.)

But again I would say that there is no theory of that in Cicero. It is possible that the highest social development would be even preceded or followed by the highest theoretical development. That is perfectly open. There is no speculation of this kind.

(. . . inaudible . . .)

That could be, but the question is whether this establishment (inaudible) did not have this stability (inaudible) which the old preponderantly senatorial order did not? Now paragraph 46 we consider for a moment.

The last of my laws have never been in use among us, but are necessary for the public interest. We have no guardianship of the laws, and therefore they are whatever our clerks want them to be; we get them from the State copyists, but have no official records. The Greeks were more careful about this, for they elected "guardians of the law," who not merely kept watch over the text of the laws, as was formerly done at Rome also, but in addition they observed men's acts and recalled them to obedience to the laws.

What I am interested in is only this point which we have mentioned before. There is by no means a wholesale acceptance of the Roman order and the Roman laws. That is not the case. There is a current criticism of the important details.

Now let us read the last paragraph on page 517.

I will do so briefly, if I can. For Marcus Junius, your father's friend, dedicated to him a long treatise on the subject, which was written with learning and care, in my opinion. Now we ought to investigate and discuss the law of Nature independently, but in regard to the Roman law we must follow precedent and tradition.

Unfortunately, this seems to be incomplete, what Atticus says. Here I only draw your attention to the clear-cut distinction again between, literally translated, "the right of nature and the right of the Roman people." The right of nature is rational. Therefore we can know it, reflect upon it, by ourselves. But, as for the right of the Roman people, which is positive, we have to depend upon what is given to us by the authorities, and, therefore, especially by the authorities of former times, by the tradition. This cannot, of course, be taken to be the end of the whole book. The laws had at least five books, and the rest is completely missing.

Now we have to consider some passages in the first book, and I believe what is equally necessary, and even more necessary perhaps, is to put together the threads of the argument of Cicero as we have discerned it up to now, the political argument, before we turn to the Offices. And I think we should do that next time. I think we should try to put the whole argument together and see whether any clear pattern has emerged, especially regarding this great issue of natural law,

(. . . , inaudible . . .)

This seminar (28 April 1959) was devoted to a consideration of the meaning of the term nature, not only in Cicero but elsewhere.

Seminar 8

24 pages

. . . and in this connection he speaks of it. Now we can read a few passages. Now the first passage which we want to read is in book 2, paragraph 57-58. The paragraphs are not numbered in this edition which I have here, but you just begin to read on page 247, bottom, and read slowly and stop when I tell you. Go on until you are interrupted.

I hardly think I shall err then, if, as I enter on the next phase of the discussion if I begin by quoting from the most illustrious of all those who have sought the truth . . . (De Natura Deorum)

If I quote the beginning of the disputations from the leader in the investigation of this truth. And this beginning is the concept of nature. And he quotes here the founder of the Stoic school, Zeno. Now read this.

Now Zeno gives this definition of nature: nature (he says) is a craftsmanlike fire, proceeding methodically to the work of generation.

"which progresses on the way toward coming into being."

For he holds that the special function of an art or craft is to create and generate, and that what in the processes of our arts is done by the hand is done with far more skillful craftsmanship by nature,

Far more artfully, one should say.

that is, as I said, by that 'craftsmanlike' fire which is the teacher of the other arts. And on this theory, while each department of nature is 'craftsmanlike'.

All nature, literally translated.

in the sense of having a method or path marked out for it to follow,

It is like an art because it pursues certain ways, the orderliness, one thing after another.

the nature of the world itself, which encloses and contains all things in its embrace, is styled by Zeno not merely 'craftsmanlike' but actually a 'craftsman,' whose foresight plans out the work to serve its use and purpose in every detail. And as the other natural substances are generated,

Just as the other natures.

reared and sustained each by its own seeds,

Contained in their seeds.

so the world-nature

The nature of the world, as distinguished from the other natures—the nature of the dogs, oak trees, and so on.

experiences all these motions of the will, those impulses of conation and desire, that the Greeks call hormae, and follows these up with the appropriate actions in the same way as do we ourselves, who experience emotions and sensations. Such being the nature of the world-mind,

Such a mind of the world, literally translated.

it can therefore correctly be designated as prudence or providence (for in Greek it is termed pronoia);

You see, prudence and providence are etymologically the same word—to look in advance.

and this providence is chiefly directed and concentrated upon three objects, namely to secure for the world,

first, the structure best fitted for survival;
 For lasting. That the world be as apt as possible for lasting.
 next, absolute completeness; but chiefly, consummate
 beauty and embellishment of every kind.

Let us stop here. This is the original Stoic definition going back to the father of the Stoa, Zeno. Now what does nature mean here? Nature is understood in contradistinction to art, but similar to art. One must try to consider this briefly if he hopes to understand the earlier notions of nature. Today there is a school called naturalism. Some people say that they are naturalists. And they say that everything is natural. It is an extremely simple thesis. As some of them have put it, nature is not a term of distinction. That leads to certain difficulties. Are numbers natural in the way in which trees are; is a mere figment of the imagination, say a centaur, natural, and so on. It leads to certain difficulties. In earlier times nature was always understood as a term of distinction, and that of course survived up to the present day. We speak today of the natural sciences, as distinguished from the social sciences. And that is one of many signs that a distinction is here indicated. But we must, of course, not assume that our distinctions, the distinctions pervading the modern world, were those used originally. It is good, if one wants to understand earlier thought, to start from this distinction, natural understood in contradistinction to art. A chair is not a natural thing, but a dog is. We will see this later when we come to the real fundamental text, which is of course not in Cicero. So nature is different from art, but also similar to art. That is the Stoic view. And nature, that is a kind of orderly progress toward coming into being. It presupposes seeds of some kind. Seeds, and these seeds proceed, or out of the seeds something proceeds in an orderly manner, until it is completed. This applies to all natures, but there is also a nature of the world, of that which comprises all nature, and this is not only artful, more artful than any art, but an artificer. And this is called here the mind of the world. How we are to understand that, of course, cannot be clear from such a passage. In all other things, say in the genesis of a horse, there is no mind active in the seed. But in the whole there is somehow mind active, and it is only by ultimate reference to that mind that we can understand even the genesis of the horse. That is the implication. So ultimately you would have to have recourse to that mind of the world. And the concern of this mind of the world is the preservation of the world. Not universally or always, because, according to the Stoic doctrine, the world is of finite duration. Secondly, that it is complete, that nothing is lacking, especially man. The absence of man would transform the cosmos into chaos. But above all, that in it there should be outstanding beauty and every adornment. Adornment is not the best word. Adornment you would think is something additional, and not necessary, like cosmetics. But the perfect order, which as such is beautiful.

This is the Stoic view, of which Cicero gives here a brief sketch. A little bit later we get a somewhat more detailed statement. (Paragraph 81, page 201, Loeb edition)

Next I have to show

In passing I mention that Cicero is not the speaker here in this

second book, nor in any book of De Natura Deorum.

Next I have to show that all things are under the sway of nature and are carried on by her in the most excellent manner.

The next point I teach is that everything is subject to nature and is carried on by her in the most beautiful way. This would be better.

But first I must briefly explain the meaning of the term 'nature' itself,

But let us explain first briefly what nature itself is. Not the term. What nature itself is,

to make our doctrine more easily intelligible.

Now he gives three different understandings of nature.

Some persons define nature as a non-rational force that causes necessary motions in material bodies; others as a rational and ordered force, proceeding by method and plainly displaying the means that she takes to produce each result and the end at which she aims, and possessed of a skill that no handiwork of artist or craftsman can rival or reproduce. For a seed, they point out, has such potency that, tiny though it is in size, nevertheless if it falls into some substance that conceives and enfolds it, and obtains suitable material to foster its nurture and growth, it fashions and produces the various creatures after their kinds, some designed merely to absorb nourishment through their roots, and others capable of motion, sensation, appetite and reproduction of their species.

So that is the second one. The first is nature is some force which, without reason, excites necessary motions in bodies. And, according to the other view nature is a force, partaking of reason, and this orderly process, and so on. The second teaching is the Stoic teaching. And the first is almost certainly the Academic definition. And now he gives the third.

Some thinkers again denote by the term 'nature' the whole of existence—for example Epicurus, who divided the nature of all existing things into atoms, void, and the attributes of these.

Who so divides it that he says, that of all things which are nature is the body and the void and what happens to these, namely the body and the void. In other words, it is a division of all beings into bodies, which means here of course atoms, the void, and then what comes somehow out of them. That is the Epicurean view. Continue.

When we/Stoics on the other hand speak of nature as the sustaining and governing principle of the world, we do not mean that the world is like a clod of earth or lump of stone or something else of that sort, which possesses only the natural principle of cohesion.

He does not say, or course, natural law here, but like a tree or an animal, displaying no haphazard structure, but order and a certain semblance of design.

In which there is no accident, one could almost say. So, in other

words, a clod of earth or a piece of stone, that is not a nature. But a tree and an animal would be. From the Epicurean point of view, this fundamental distinction between, say living beings and beings which have not true unity, which are mere fragments--cut off from a stone--is irrelevant. Because from the Epicurean point of view both are conglomerations of atoms with some void in it. Just as in a much more sophisticated way, of course, in modern science too. So these are the three definitions.

Now the last passage which we should read. There are more passages, but for our present purposes this will suffice.

You have asserted, over and over again, that everything has its source in the universe, and that nature does not possess the power to produce anything which is unlike herself. (Par 23, page 307 in Loeb)

That is what the Academic says against the Stoics.

Am I to infer then, that the universe is not only a living and intelligent being but that it is also a harpist and a flutist, seeing that it generates persons who are able to perform upon the harp and upon the flute.

There is no necessity of assigning to the highest cause qualities which we find in particular beings. Go on.

Well then, your father of the Stoic school really adduces no reason why we should think that the world is rational, or even alive. Therefore the world is not god; and nevertheless there is nothing superior to the world, for there is nothing more beautiful than it, nothing more conducive to our health, nothing more ornate to the view, or more regular in motion.

And if the world as a whole is not god, neither are the stars, which in all their countless numbers you wanted to reckon as gods, enlarging with delight upon their uniform and everlasting movements, and I protest with good reason, for they display a marvellous and extraordinary regularity. But not all things, Balbus, that have fixed and regular courses are to be accredited to a god rather than to nature.

Let us stop here. So you see the point which this Academic makes is this. What is natural is what pursues, or has, or possesses definite and constant courses. What has regularity. That is the point which he makes, and he denies that the inference to god follows from that, whereas the Stoics say the inference does follow.

These are the most important passages in Cicero. Now what do we learn from that? Obviously, in classical antiquity it was absolutely controversial what nature is. And yet this controversy presupposes some agreement as to the question itself. That is obvious. People disagree regarding something. They, in the first place, agree as to the question, to which the one gives this and the other another answer. Now what is, then, presupposed prior to all controversy. It is clear about the distinction between nature and art, and that art is secondary, derivative from nature. But what is then meant by nature here. By all three, prior to their argument.

For example, if the Stoics say that nature is ultimately the mind of the universe. And the Epicureans say that nature is the atoms and the void. There is a tremendous gulf regarding the answers, but there is one agreement.

(That man is the standard? That what man sees is the standard. Is that what you mean?)

No, that is not necessarily so. That is not implied here. Man comes in somehow in all ancient doctrines, but not so directly.

(Nature is the foundation of everything else.)

Let us leave it at that for the time being.. One thing is clear-- that Cicero does not raise the question in these passages, what is nature in that most fundamental sense. What do all philosophers mean when they speak for nature. He gives already the specific answers given by the three most famous schools in his age. Now if we want to go back to this more elementary stratum of the question, we have to turn to Aristotle. Of course in Aristotle we would have to read many, many things, and many long passages. We must limit ourselves to the most urgent. And first there is a simple, well, short, statement in the Metaphysics (Book Delta, paragraph 4). This book deals with the meaning of terms, you can say. Of many terms. And one of them is physis, nature. I think we read that first and then make some comments.

Nature means, one, the genesis of growing things, the meaning that would be suggested if one were to pronounce theupailon in physis long.

In other words, physis pronounced in that way would mean the growing of plants. So, from this point of view, physis would simply mean growth.

Two, that imminent part of a growing thing from which its growth first proceeds. Three, the source from which the primary movement in each natural object is present in it in virtue of its own essence.

So you see the emphasis. In the first place, there is a kind of superficial meaning, which is etymologically first. That simply means growth. But in the more interesting meanings there is always an emphasis on first here. Nature has something to do with firstness. That will become clearer later on. Physis, the noun, appears to be derivative from a verb, as is suggested in the next part.

Those things are said to grow which derive increase from something else by contact, and that is by organic . . .

Organic is of course not there. Now read a little bit further on, where he says furthermore.

Furthermore, nature means the primary material of which any natural object consists or out of which it is made. I note again the use of first, which he translates here by primary, which is relatively unchanged and cannot from its own potency. It happens, for example, that bronze is said to be the nature of a statue and of bronze utensils, and wood the nature of wooden things,

Do you see now what first means here. For example, you take a statue, say a wooden statue. The statue is obviously not a natural thing. It is an artifact. But out of what is it made? What is first? And here first does not mean the chemical composition. That is very late. The thing out of which it comes first is wood. It may also be stone, but let us assume that it is a wooden statue. Wood is then the first here.

and so in all other cases. For when a product is made out of these materials the first matter is preserved throughout. For it is in this way that people call the elements of natural objects also their nature. Some may be fire, others earth, others air, others water, others something else of the sort.

You see, there is a kind of turn. First there is wood. Now this wood may prove to be itself a compositive or derivative from something prior. And then we arrive at the notion of what is first in the sense of a first matter. It may be the four elements, and whatever you like. That is not decided here by Aristotle.

And some naming more than one of these, and others all. Five, nature means the essence of natural objects, as with those who say that nature is the primary mode of composition. Or, as Empedocles says, nothing that is has a nature, but only mixing and parting of the mix, and nature is but a name given then by men.

That seems strange, because Empedocles denies nature. That there is no nature, but only a mixture and the opposite of mixture, of the elements. But in denying nature he presupposes an understanding of nature. And he only says, that doesn't exist. And nature means here the nature of things which are by nature. For example, a tree. It has a nature. Now for Empedocles the tree doesn't have a nature. A tree is merely a composite of elements. And to speak of it as a nature is to be superficial. Now go on.

Hence, as regards the things that are or come to be by nature, though that from which they naturally come to be or are is already present, we say that they have not their nature yet unless they have their form or shape.

This is, of course, not immediately intelligible in our present usage but it was very common. For example, Aristotle in his Poetics speaks of tragedy and describes the various stages. He says and tragedy had not yet acquired its nature. Meaning that these earlier examples belong to the pre-history of tragedy, as we would say. But what do we mean by the pre-history of tragedy? Tragedy was preparing itself but it was not yet there. Only when the preparation is completed has tragedy acquired its nature. Nature means in this sense, as he puts it here, the shape, the look and the form. Continue.

That which comprises both of these, matter and form, exists by nature, e.g. the animals and their parts. But not only is the first matter nature . . . e. g. in the case of

In other words, there is a first matter in two entirely different senses. First, if you take the artifact. What is the matter out of which it is made. Say, wood. And in another sense the first, what is truly the first element, may be water, for example. This is clear.

But in general perhaps water is first, if all things that can be melted are water. But also the form or essence, which is the end of the process of becoming. Sixth. By an extension of meaning of this sense of nature, every essence in general has come to be called its nature because the nature of a thing is one kind of essence.

So in the sense we speak, for example, of the nature of tragedy,

the nature of a lyrical poem. But we mean by it primarily, Aristotle says, not nature properly speaking but what he translates by essence. So nature can then be used, metaphorically, equivocably with what he calls essence.

From what has been said then it is plain that nature in the primary and strict sense is the essence of things which have in themselves, as such, a sort of movement. But the matter is called the nature because it is qualified to receive it, and processes of becoming and growing are called nature because they are movements proceeding from this. And nature in this sense is the source of the movements of natural objects being in them somehow, either potentially or in complete reality.

Of course, the translation is a bit free here. There is no word in Aristotle for complete reality. Now this is a very brief summary of what Aristotle develops at much greater length, and, therefore, also in a way easier to understand. But in another way equally difficult because we have to delve much more deeply. The full development is at the beginning of the second book of the *Physica*. And I think we must turn to that. But first let me say this.

A few points, First nature means. . . I mean I am not now following all the meanings, but only the most important ones. First, the out of which of the things which are not by nature. We all admit that a chair is not natural, whereas a dog is natural. But we do not say that a dog is a nature. We say a dog is a natural being and a chair is an artifact, an artificial being. Now what do we mean by nature. The first thing is, if we look at an artifact. Things which are not by nature. And say that out of which, the out of which of the artifact. That we say is not merely by nature, but that is the nature. For example, the table, whatever that material is, let us assume it is wood although I am not sure that it is all wood. Wood would be the nature in the chair, in the table. But this is then also applied to the natural beings. And then we call the nature the out of which of the natural beings. And one very common way in classical antiquity was to say the out of which of natural beings are the elements, say the four elements. But you can also say atoms, because that is a secondary question which it is. That is the ultimate out of which all natural things have come into being. But then there is an entirely different meaning, and that is, to use first the text of the translation, the essence of the natural being. But by this we do not yet understand what essence means.

(We are presupposing nature already. Are we not already presupposing nature when we say that nature is the essence of a natural thing? Or are we just . . . inaudible . . .)

To what extent it is not a formal definition. Surely not. It is not a formally incorrect definition because we speak on the def . . . the thing to be defined is nature. And it is a definition not of nature but of natural things. It is not a faulty definition. But still, that is not the ultimate and last word of Aristotle about it. Now, whatever this essence may be, Aristotle makes it a bit clearer by saying that this essence is the shape or the form. Now what is that? Now let us assume that we have atoms. There are atoms, and these atoms are the ultimate out of which of all natural beings, and hence, of course, still more of the artifacts, because all arti-

facts are made out of natural things. Then this does not give us a full account of a natural being. For example, let us assume you had a formula, a formula in terms of atoms, of a dog. Let us say that just as you can say H_2O of water, that it would be possible to give a similar formula of the number of these kind of atoms and that kind of atom and so on for a dog. It would be extremely complicated; surely, but that in itself is of course no objection. But we would miss something. What would we miss? If we even had such a complete definition.

(The dog.)

Sure. Well, take a simple example, the formula of water. Neither hydrogen nor oxygen is wet. But water is wet. And we could not figure out by looking at hydrogen and looking at oxygen that if they are mixed in this proportion H_2O they are water. There is something new, to use now modern language, which emerges in the mixture, or the combination of the atoms. And this new is not, as new, deducible from the primary. Well, take the more important case of a dog or cat. We understand cat. We can speak about it, we can describe it, we can even perhaps discern what distinguishes a cat from all other beings, and express it. In this formula, in which you would describe the cat, this definition, there would be no reference whatever to atoms. And it would not only be as good as a definition of the cat in terms of atoms, but it would be much better. Now this intelligible form of a thing, of a being, that is what Aristotle means by the essence of the natural thing, and in this sense the physis.

Now physis, nature, means both the first out of which, and the look or shape, and the essence. The best translation, the most literal translation, and the translation reminding us most of what the Latin word *essentia* means is that one which was suggested by Heidegger, beingness. But that would have this disadvantage, that the term in Greek is also used for a being itself. Therefore, that would have to be translated differently in different connections.

Now let us at this point turn to the beginning of the second book of the Physics, where this theme is developed at much greater length.

Of things that exist, some exist by nature . . .

Now again, if one wants to be precise, there is an Aristotelian word which we could translate by existing, but the word which he ordinarily uses is being. Of beings, some are by nature . . . That is the way in which he begins. Aristotle says here something which would be granted to him by everyone at that time. And I think that common sense would still agree with Aristotle. Now go on.

By nature the animals and their parts exist, and the plants, and the simple bodies—earth, fire, air, water. For we say that these and the like exist by nature. All the things mentioned present a feature in which they differ from things which are not constituted by nature. Each of them has within itself a principle of motion and of stationariness in respect of place or of growth and decrease or by way of alteration, and some otherwise. Animals and their organs, plants, and the elementary substances—earth, fire, air, water—these and their likes we say exist by nature. For all these seem dis-

tinguishable from those that are not constituted by nature; and the common feature that characterizes them all seems to be that they have within themselves a principle of movement (or change) and rest--in some cases local only, in others quantitative, as in growth and shrinkage, and in others again qualitative, in the way of modification. But a bedstead or a garment or the like, in the capacity which is signified by its name and in so far as it is draft-work, has within itself no such inherent trend towards change, though owing to the fact of its being composed of earth or stone or some mixture of substances, it incidentally has within itself the principles of change which inhere primarily in these materials.

Let us stop for a moment. Now Aristotle here begins with the obvious distinction between natural things and artifacts. And in order to find out what nature is he considers this difference. We know first, as it were, natural things. First for us. Empirically first. We talk about them. But we do not make clear to ourselves what is nature. That is what Aristotle is trying to do here. We must start from the application of this term and then ascend to its meaning. And we must not begin by laying down a definition which we believe to be 100% clear but which is likely to miss very much what is present in ordinary understanding and in ordinary language.

Now does it make sense to say that the natural beings have the originating principle . . . This word which he translates principle here has a two fold meaning in the original: first, the beginning, to begin something, originating; and, second, command, rule. Both means are present in the philosophic term. But in the word principle itself they are absent, because this word has also all the richness it originally possessed. One could say it means originally--commanding origination. If this is rightly understood. Which originates, but does not stop at originating, but still determines that which it has originated. These are both present in this word as Aristotle uses it. Now as to the natural things he says they have the commanding origination of both motion and rest in themselves. And he indicates three forms of motion--local, growth and decay, alteration. These are the three most visible forms of motion. We speak today of motion primarily in the sense of locomotion. That is also here in Aristotle, but that is only one. The other he calls growth and decay. So it is wiser to translate the word, then, not by motion but by change. There are these three kinds of change: change of place, growth and its opposite, decay, and, third, a qualitative change. For example, hair becomes white, that is a qualitative change. That is not locomotion, nor is it in itself, necessarily, growth or decay. Although in this case it happens to go with the decay. But there are other changes. For example, trees become green. This becoming green, as such, is a qualitative change. Now the fact that it has to do with growth, with the growth of the tree this year, then it is of course growth. But these are two fundamentally different changes. Now he makes this remark. The artifacts, of which he gives as an example a bed and

a garment, have, as such, namely the bed as bed, and only as a bed is it an artifact, the wood is not an artifact; the bed as bed does not have any impulse, any inborn impulse, to change. Do you understand that? He makes the additional remark, to make it quite clear, to the extent to which they are accidentally of stone, or of earth, or of a mixture of these or other things, as such they do have an inborn impulse toward change. The best does not, well, let us say . . . well, a bed is a bit complicated as an example, but let us take a book. The book, Aristotle says, as book, does not have this inborn impulse to fall if it is not supported. As a heavy body. And anything which occurs in relation to an artifact is not due to an inborn impulse. The artifact has all of the impulses outside of itself, either in its matter or else in the human being who originated it.

(How does this definition apply to non-living matter then?)

A stone?

(A stone, water.)

According to Aristotle they have an inner . . . Well, the heavy bodies fall, water also has that—an inborn impulse, to use this translation, to go down. Water, you know, never flows up. That is an inborn impulse in it, which has not been put into it. You can by violence bring it about that water does flow up, by exerting necessary pressure. But that is against the nature of the water and therefore you need a lot of effort to bring it about. This applies to all natural beings. That is to say, the difference between animate and inanimate does not apply here.

(Inaudible . . .)

No, no. Aristotle makes here a fundamental distinction between animate and inanimate beings. A stone is a soulless being.

(Inaudible . . .)

Well, think of locomotion. Think even of qualitative changes of inanimate things. For example, the coloring of a stone is changing. Minerals are a complicated problem, you know, because they have a kind of unity, and I do not know for the moment how Aristotle accounts for that, for the growth of minerals. But it would surely be one based on this inborn impulse in the mineral which governs this accretion.

(How, then, would you distinguish a living thing from a non-living natural thing?)

Well, that is very simple. What are the most elementary and obvious distinctions between a plant, even, and a mineral.

(I would say that the plant has within itself the principle of change—growth, etc.)

Well, let us say nutrition, to take a simple case. A stone and a mineral would not have nutrition properly speaking. So the stone does have inborn impulses, but not the inborn impulses toward nutrition. That it has an inborn impulse is shown by the fact that it falls if it is not supported. And there are others, according to the peculiar character of the mineral in question.

(So what distinguishes them, then, is inborn impulses toward change of a certain kind.)

Yes. And you can say with both the highest and the lowest natural beings, with many special cases, that would be locomotion. Because you have locomotion—a simple fall in heavy bodies as heavy bodies—and you have it again in the stars. Even though you do not

have growth or qualitative change.

(The distinction between those natural things which can reproduce themselves and those which can't isn't crucial here, is that correct?)

I don't get your question.

(The distinction between those things which can by nature somehow reproduce . . .)

I see. No, here not at all. He speaks of natural beings in general. And the distinction between animate and inanimate does not come in here. That is the great theme of the book on the soul. But here he speaks of natural beings in general.

(By inborn impulse he doesn't mean what we would now think of as the atomic constitution, but . . . inaudible . . .)

Well, the crucial point is the essential reference to change. If you speak of atoms and describe qualities of them, whatever they may be, that would be insufficient from Aristotle's point of view because you must also say which peculiar changes they are tending toward. Otherwise you would not get at the heart of the matter. You can, of course, speak of a being, and describe it in microscopic and macroscopic terms, in terms of its qualities and disposition and what have you, but the core of the thing is that which tells how it is related to change. Without it you wouldn't understand it. Now let us go on and see how this is developed.

For nature is the principle and cause of motion and rest to those things, and those things only, in which she inheres primarily, as distinct from incidentally.

So he explains this. That is the first summary of what he means by physis. A certain commanding origination and cause of motion and rest in whom, in the being in which it is available, in which it exists, primarily by itself and not by accident. And now he explains that.

What I mean by 'as distinct from incidentally' is like this: If a man were a physician and prescribed successfully for himself, the patient would cure himself; but it would not be qua patient that he possessed the healing art, though in this particular case it happened that the physician's personality coincided with that of the patient, which is not always the case.

So Aristotle tries here to dispose of an easy misunderstanding. Is nature something like a physician healing himself? Here the impulse towards healing is in the physician, and this affects the physician himself. He has the principle, the commanding origination of healing in himself, and Aristotle says that is an error because the physician does not have this commanding origination in himself essentially but only accidentally. Whereas in natural things this commanding origination of change is essentially in the being. The physician as physician heals or fails to heal, that is fundamentally the same thing. He is not essentially healing himself. It is by accident that he heals himself. Or perhaps, and that goes deeper, what does healing mean? Producing health. From this point of view, health is an artifact. Health is the product of the physician just as the bed is the product of the carpenter. But is this true? Is health an artifact as a bed is an artifact? Is health not a natural state of natural beings which is only assisted somehow by the medical art? Health is not man-made; it is essentially the work of nature. What the physician does is only subsidiary. But I think it is also important to consider this point, to consider

this point, to consider the physician's healing himself is purely accidental. The physician as physician heals human beings, others. And healing stands here as one form of change. The physician heals himself. The physician affects a change in himself, but that is only accidental. Now let us see how he goes on.

And so it is with all manufactured or 'made' things: none of them has within itself the principle of its own making. Generally this principle resides in some external agent, as in the case of the house and its builder, and so with all hand-made things. In other cases, such as that of the physician-patient, though the patient does indeed contain in himself the principle of action, yet he does so only incidentally, for it is not qua subject acted on that he has in himself the causative principle of the action.

This, then, being what we mean by 'nature', anything that has in itself such a principle as we have described may be said to 'possess a nature' of its own inherently.

Which possess such a commanding origination. Those which do not, like the bed, are not possessed of a nature; they are not natural. Now then there comes a very difficult sentence, to which we will come back later on. Let us only read it now.

And all such things have a substantive existence; for each of them is a substratum or 'subject' presupposed by any other category, and it is only in such substrata that nature ever has her seat.

Further, not only nature itself and all things that 'have a nature', but also the behavior of these things in virtue of their inherent characteristics is spoken of as 'natural'. For instance, for fire actually to rise, as distinct from having the tendency to rise, neither is nature nor has a nature; but it comes about 'by nature' and is 'natural'.

Such, then, are the definitions of 'nature', of what exists 'by nature', and of what is 'natural'. Any attempt to prove that nature, in this sense, is a reality would be childish; for it is patent that many things corresponding to our definitions do actually exist; and to set about proving the obvious from the unobvious betrays confusion of mind as to what is self-evident and what is not. Such confusion, however, is not unknown, though it is like a man born blind arguing about colors, and amounts to reasoning about names without having any corresponding concept in the mind.

In other words, someone to whom one has to prove that there are natural things is in the position of a color-blind man to whom you try to prove that there are colors. He simply could not understand what you are talking about. He could talk about words, and could somehow guess secondary consequences. For example, if he hears seeing people say that this child has a blue face, that means something different than if the child has a red face, and all kinds of alarms will come in the first place and not in the second case. But he literally does not know, and cannot know, what they

are talking about. And if someone tries to prove there are natural things, he is in the same position. Now a deeper reflection begins at this point.

Now some hold that the nature and substantive existence of natural products resides in their material on the analogy of the wood of a bedstead or the bronze of a statue.

Now what is the switch. Aristotle has now provisionally explained what natural beings are, more precisely, what beings are which are by nature. And these are beings which possess a nature, i.e. which possess a commanding origination of change and the opposite of change in themselves essentially. Now . . .

(End of reel; some sentences were lost in the course of changing the reel.)

. . . the natural things are natural. Because that is the meaning of essence, that by virtue of which a thing is what it is. This question has been given an answer. But now a more complicated and difficult question arises.

(Are we coming to a new meaning of nature? I thought that according to the old one an artifact didn't have a nature.)

He is speaking now of the physis, of the nature, of the essence of the things which are by nature.

(Inaudible . . .)

No, there he has led up to it. One can perhaps state it as follows. He has led up to that by saying, primarily we distinguish between natural things and artifacts. But, precisely regarding artifacts, we make a distinction between the thing and the nature in the thing. And precisely regarding artifacts we say, for example, that wood is the nature of the chair. And then he goes on from that to the vulgar meaning, and also the more precise meaning, of the natural things. Artifacts as artifacts point away from themselves to others.

The deeper questions which arise here we cannot possibly go into, but can only indicate. We must not forget that man can take very well his bearings without ever knowing anything of nature as nature. We are the heirs to this Greek tradition, and we, as babies almost, say "naturally". And the whole thing is in that. That is not natural. I mean that doesn't belong to man as man. And for me the simple example, directly accessible, is the Old Testament. There is no Hebrew word for nature. The word which was used in the Middle Ages and in modern times in Hebrew for nature is derived via the Syriac, from the Greek word which means in Greek, character. What you put on the coin? How do you call that? The stamp. And the Hebrew word shows this origin. The stamp. And that shows immediately that nature meant in classical antiquity primarily something different from what it means now. Nature as the stamp. The characteristics, the form. Therefore the question, for a true interpretation of such texts, would, of course, be to understand the more fundamental promises on the basis of which human beings, in this case the Greeks, could see something like nature. For example, that there are stamps of beings, that animals are different from plants, and they from man, and they all from stars. You only have to read the first chapter of Genesis to see that it is built on these distinctions. But it is not understood in terms of nature. There is a much more common expression, which I believe oc-

curs in all languages, at least all languages which I know and also where I was able to question natives, like Sanscrit and so on, which is a biblical word and which even occurs in the Greek definition at times--and that is the way of a thing, the custom of a thing. That is, I would say, the most elementary stratum out of which nature emerges on the basis of certain other specific premises. Now you see, of course, immediately that things have different ways. Look at a dog, and how he behaves. What is his way of living and doing in contradistinction to that of a cat. The way of a thing. That occurs in the Old Testament, and it is also a very common, and fundamental, word in Sanscrit as well as the Chinese. And I would imagine that there is an equivalent of that everywhere. Beings have different ways, and the reflection that these different things are not really different individuals, Dog Number 1, Dog Number 2, although they, too, have different ways, when you observe them closely. But we think primarily of the different ways of the kinds of beings, not of the individuals. That is an important indication. I remember such a biblical expression like menstruation is the way of women. That would in Greek be nature. It belongs to the nature of women. But this nature implies this particular interpretation of way. And another equivalent of nature, I mean another primary form of what the Greeks understood by nature, is the notion of custom. Different things have different customs. In this stage of reflection it is not distinguished, for example, the Gauls, let us assume, have the custom of getting drunk or whatever their speciality was, this is a custom of the Gauls. Tribes have different customs. The essential difference between these different kinds of custom and the different natural customs--of dogs, lions, etc.--is not made the theme. And even if you speak of ways, in this primary way, you have not yet made explicit the fundamental distinction, for example, between natural things and artifacts. For in the Greek reflection that is in the foreground from the very beginning. This fundamental difference. The word physis occurs only once in Homer. Only once, and in a very important context, and there it characteristically has the meaning of the stamp, of the character, and not the other meaning. The nature of herbs, that is about the meaning which it has in this unique passage in Homer.

(Inaudible. . .)

No, that would be a mere speculation on my part, and it surely has something to do with . . . You see, the Old Testament, that is a very highly developed reflection, of course, although not a philosophic reflection, and that is . . . The whole thought is connected, to put it cautiously, with the notion of the creation. That everything has been created. Now you know from Psalms and other passages that the world is called the artifact of God. More literally translated, the work of the hand of God. Now clearly, if a mountain is the work of the hand of God, and this is the work of the hand of man, then the overarching concept of any being would be--work of the hand of. And you would have to make a distinction between divine and human. The Greeks were by no means unfamiliar with that, as you could see from a passage in Plato's Sophist, where the whole universe is described as the work of the divine art, techne, as distinguished from a product of the human arts. But in Greek thought and in Greek understanding, this understanding of the natural things, as we say, as works of divine art was not so determined from the out-

set. As you see from the extreme doctrines of Democritus, where there is nothing of this sort, the Greeks were open to that possibility. The ancient Hebrews were not. How this is in other languages I know much less. In Sanscrit there is a certain problem here. But from my questioning, cross-examining, of a Hindu, it appeared to me that the Sanscrit word dharma is really the way. You know, dharma is often translated as religion, but if you ask more closely you see it is truly, of course, the Hindu religion, i.e. the way of the Hindu. But that is not good enough, if my cross-examination was good enough. It is the way of men, of man, and the other human beings simply have deviated from that. In the same sense there is also a way of iron, or whatever it may be. One would surely have to go back to this stratum. In other words, to take one's bearings in the light of the notion of nature is not "natural". I mean, it is not given to man, from the moment of his appearance as a species, or still less as an individual, to make this distinction. It is based on very definite presuppositions. And to discover which these presuppositions are is precisely the task of a philosophic understanding of Greek philosophy. I do not mean to say that it is not a legitimate, and is merely historically conditioned and this kind of nonsense. But it contains, nevertheless, certain conditions, and there must be a way leading up from the truly, primarily given (I mean whatever a human being at all times sees—heaven above, earth below, blue, man, cat, stone) to the articulation of these things in terms of nature. This term custom, as an equivalent to way, to which I referred before, that has been restored more than once in the meantime. For example, in the Western world the most famous man who did it is Pascal. But there was a predecessor in Islamic thought, a certain extreme orthodox Moslem, who denied that there is a distinction. There is only custom. And they meant by this, of course, God's customary way of acting. That the sun rises in the east. That is not nature. There is no inherent order. Or that eggs come from hens. Natural. Sure. Why, if there is an omnipotent God who could have made everything entirely different. The customary way in which God acts. At any time and at any place he may act differently. So you cannot speak of nature but only of custom. Here you see, at least you begin to see, the implications of nature. Nature is meant to be an inherent and inherently intelligible order. This thought is not present in all human thought, at least not empirically. You can say that it should be present, in Kant's sense, but that is another story.

Now let us continue with the text.

Antiphon took it as an indication of this that if a man buried a bedstead and the sap in it took force and threw out a shoot, it would be tree and not bedstead that came up,

Do you understand this difference? Do you see Antiphon's point—why a bed is not natural, and that there is a fundamental difference. A bed would never generate a bed, but the wood in it would under certain conditions generate wood, meaning the same kind. If it is not already dead by the process of artificial treatment. In principle, however, it would be possible. A natural being can generate a natural being of the same kind; an artificial, never.

(Isn't this only an animate natural being.)

Wood is, of course, stemming from an animate thing, from a tree.

You are quite right. Antiphon's argument would not cover the truly inanimate, which cannot possibly generate. That is true. But Aristotle uses this example of Antiphon here to make clear a point which comes in the sequel. He wants to show, through this example of Antiphon, a certain understanding of nature which is necessary and legitimate up to a point.

since the artificial arrangement of the material by the craftsman is merely an incident that has occurred to it, whereas its essential and natural quality is to be found in that which persists continuously throughout such experiences.

So, in other words, what was Antiphon driving at? That the nature of the natural thing is what is the permanent, the permanent basis of all change. And this permanent which never changes, whereas, for example, say that it is wood, or whatever it may be, does change. And he calls this, how did he say that—the distribution, the arrangement according to nomos, which, of course, must be broadly understood. Now what I said before about this common notion of ways and customs is primarily, you can say, an archaic conception of that. By virtue of this understanding of nature, the first step—and in a way a more important step than the distinction between (writes on blackboard.) Now I said at the beginning, and that is borne out by innumerable example, that the Greeks understand nature primarily in contradistinction to art. The distinction between nature and the voluntary and involuntary, they are not the, they do not belong to the primary stratum. But there is a more elementary one, and also more comprehensive. Now if we start from way, as the matrix out of which the concept of nature emerges. In the moment you speak of nature, say that menstruation is not the way of women—that this is not precise enough—but belongs to the nature of women, then you must understand, in the same breath, what the way of the Gauls, for example, is. That they wear their hair long, or whatever it may be. That is not nature. From the moment you understand nature, you know it is not nature, and you need a term to express that. And the term which was used for that was the Greek word nomos, which you can translate by law or by convention. It is perhaps clearer to say by convention. The Gauls arranged it among themselves that it would be the sign of a free man to wear their hair long. That they did not do by nature. Therefore, the fundamental distinction, starting from scratch, from the beginning, is really that—the distinction between nature and law, nature and convention. And that is what Antiphon . . . This term as now used by Antiphon here in an (inaudible) way, which is, however, intelligible. If nature is that, if the nature of natural beings is that which persists in all changes, then the changing things (like the puppy, for next year or a few months it will be a dog, and then dead; so the puppy changes) . . . But that X, let us call it first matter, does not change; it remains the same in all modifications. And Antiphon therefore goes so far here to say all these changing states are a conventional, fundamentally arbitrary thing. Which he doesn't mean literally, of course. But he means that they are so derivative, compared with the fundamental nature. Now let us go on.

And in like manner, it is thought, if the materials themselves bear to yet other substances the same relation which the manufactured articles bear to them—if, for instance, water is the material of bronze or gold, or earth or bone or timber, and so forth—then it is in the water or earth that we must look for the

'nature' and essential being of the gold and so forth. Now we have spoken of this before, but let us repeat that. The starting point is very simple. The starting point--given these Greek premises, the (inaudible) of which is so difficult, we know one thing in advance. The fundamental distinction between natural things and artifacts. Artifacts are more accessible to us. A carpenter, if he is not stupid, can give you a perfect account of the bed which he made--meaning, why he chose this material and not that, why he made movements, operations of his hands, and so on, and why he made it this high, and not lower or higher, and this kind of thing. So we understand more easily the artificial things. Now in the artifacts we make a distinction today between the raw materials and what was made out of them. Materials, prepared or unprepared, raw or non-raw. But the non-raw ones are, of course, already artifacts, so we have to go back to the raw materials. That is what nature means here. Nature is the raw material out of which things are made. Now we apply this to natural things, and here we see that natural things also emerge out of something. The puppy is not always there; it emerges out of something. And every-thing natural which we see emerges out of something. It comes into being and perishes. And, therefore, just as we are driven back from the artifact to the raw materials, we are driven back again from the raw material to the ultimate raw material, that out of which anything has ever come into being, and which, in this presupposition, must be always present. Because there are always things present. And the ultimate raw material then must be omnipresent and permanent. And this is nature in this "materialistic" sense of the term. Because that is naturally the materialistic view. The ultimate raw material which never changes but which is the cause of all change. For example, the atom. In the Democritean doctrine the atoms and the void, or the four elements, or whatever the different things that might have been said. Continue.

And this is why some have said that it was earth that constituted the nature of things, some fire, some air, some water, and some several and some all of these elemental substances. For whichever substance or substances each thinker assumed to be primary he regarded as constituting the substantive existence of all things in general.

They are, then, that which truly is. Now let us try to understand that. What is "truly" in any being is that ultimate raw material. Why is it truly, and why is, for example, a chair or a puppy, not truly?

(Because it is the thing that always remains the same, no matter what happens.)

But state it more precisely. This thought was developed most clearly by an earlier philosopher called Parmenides. Being is necessarily understood in contradistinction to not being. Now what comes into being and perishes is and is not. Clearly. It comes into being, i.e. it is not yet--there is a not in it--and it perishes, it is about to be no more. To be truly means to be always, and it means some other things too. But, as far as this question goes, it means to be always. And therefore the being of any being is ultimately the ultimate raw material, because it never is not. It always is.

That was the thought. Now let us go on.

all else being modifications, states, and dispositions of them.

I would translate this, not substance, but being. Because when you speak of substance, which is traditionally acceptable, you do not understand these crucial points which I mentioned here—being and not being. The whole being, that which truly is, is that, and the other things, for example, the puppy or greenness or falling down or sickness, whatever you have, these are only habitudes or dispositions of this, of what is primary. Or, as Antiphon called it, nomos. This convention. Which is, of course, a metaphoric use of the term, an extremely enlarged and unreasonably enlarged meaning of the term. The physis, let us say, are the atoms, or water, whatever it may be. Then everything else is almost arbitrary, almost like human convention. Not quite, but almost. The concern of the thinker or the philosopher, from this point of view, is to discover that ultimate raw material. And if you know that, you have understood everything. From this point of view. Because you know what truly being is. The other things are not truly, only derivative. And if you know what truly is, then it is not so difficult to understand what not truly is, because that can only be a defective form of being. Now continue.

And such ultimate substance they regarded as eternal. Eternal is, of course, not quite literal—always I would translate, what is always. Because eternal means completely outside of time. (Everlasting.)

Yes, everlasting. Continue.

(for they did not admit the transformation of elementary substances into each other), while they held that all else passed into existence and out of it endlessly.

This then is one way of regarding 'nature'—as the ultimately underlying material of all things that have in themselves the principle of movement and change. That is not well translated. If he says "one way" that means just one theory. He means more, Aristotle grants more. That is a legitimate way of seeing it. It will be proved to be utterly insufficient. I mean it becomes one way if you stop here, a mere account, but in itself it is something which you have to say. And now he goes on.

But from another point of view we may think of the nature of a thing as residing in its form, that is to say in the 'kind' of thing it is by definition.

Now what does this mean? Isn't it a rather strange thing? Can you recognize anything here—the form and the shape, the one that is according to the speech. Yes, later on at the end of Aristotle's teaching, so to say, you can speak of definition. But we must lead up to that, one must lead up to that. Well, I will leave it at this, and perhaps we will come back to it later. I would like to finish this today. Continue.

For as we give the name of 'art' to a thing which is the product of art and is itself artistic, so we give the name of 'nature' to the products of nature which themselves are 'natural'. And as, in the case of art, we should not allow that what was only potentially a bedstead and had not yet received the form of bed had in it as yet any art-formed element, or could be called 'art', so in the case of natural products;

Now let us see. Why is Aristotle dissatisfied with this materialistic understanding of nature, which is preserved in his understanding but only in a subordinate fashion. Why is he dissatisfied? Now again he comes back to the primarily known, but not in itself primary, phenomenon of the artifact. Now when do we call an artifact, say a bed, a bed? When do we say that a bed is according to art. Or better yet, a painting, in order to keep a present day parallel. When do we say of a painting, it is a work of art? When it is standing on the easel, and the artist has perhaps only selected the raw materials? When the raw materials are ready? Do we say that?

(Inaudible. . .)

Even then it is not a work of art. A work of art is, strictly speaking, when it is finished. When it is completed. Otherwise we say that it is a work of art in a state of becoming. Good. The same applies to natural things. And then he gives examples.

What is potentially flesh or bone has not yet the 'nature' of flesh until it actually assumes the form indicated by the definition that constitutes it the thing in question, nor is this potential flesh or bone as yet a product of nature. These considerations would lead us to revise our definition of nature as follows: Nature is the distinctive form or quality of such things as have within themselves a principle of motion, such form or characteristic property not being separable from the things themselves, save conceptually. (The compositum—a man, for example—which material and form combine to constitute, is not itself a 'nature', but a thing that comes to be by natural process.) And this view of where to look for the nature of things is preferable to that which finds it in the material; for when we speak of the thing into the nature of which we are inquiring, we mean by its name an actuality not a potentiality merely.

So the form is nature to a higher degree than the matter. And the error of the materialists, if they are consistent, is that they disregard the naturalness of form altogether. They usually would, of course, say that, say a dog, is a composite of certain elements or atoms, whatever it may be. Something of this kind. But composite means as such something very derivative, in which the true nature is not contained in the composite as composite. Because the composite, being a derivative, points you to the elements, or the atoms as the truly original, the truly life-giving thing. You understand, from this point of view, a dog only when you have the formula specifying its atoms, or combination of atoms, and so on. Whereas the nature is precisely this completed thing. And this is much more nature. Or, to state it from the point of view of the (inaudible), it is that which lets us understand the dog as dog—not the formula in terms of atoms, but the full thing, the completed thing. Continue.

Again men propagate men, but bedsteads do not propagate bedsteads; and that is why they say that the natural factor in a bedstead is not its shape but the wood—to wit, because wood and not bedstead would come up if it germinated. If, then, it is this incapacity of reproduction that makes a thing art and not nature, then the form of natural things will be their nature, as in the

parallel case of art; for man is generated by man, whereas a bedstead is not generated from a bedstead. Let us stop for a moment, and I will try to explain that. Take the house. The house is house only when completed. Otherwise it is not a house, but a house in the state of becoming. Now Aristotle turns here for the final statement regarding nature to another form of change, and the most important form. And that is neither locomotion nor growth nor qualitative change but coming into being, in Greek, genesis. Only by looking at coming into being can we understand change and nature properly. Because genesis means change from non-being to being, and not merely change from a state or a place or whatever it is to another state. To come into being means that a being which was not is then. The puppy was not. If you say, well something existed prior, the egg and the sperm, but that is not the puppy. The puppy was not. And therefore the true understanding of nature requires special consideration of genesis. What Aristotle says here is that these materialists do not sufficiently consider this phenomenon of genesis. Now this passage is, of course, very much shorthand, and what Aristotle means here, I believe, is this. If we look at an artifact, say, the carpenter. The carpenter cannot produce the bed without having a vision of the completed bed. Or, to try to be more close to Aristotle's terminology, without perceiving the shape, the form of the bed. But this shape or form in itself does not execute, does not bring about the coming into being. A carpenter can have this vision, and it does not affect it at all. Why? Because the shape is only in the mind of the maker, the artificer. But there are other cases, and that is the case regarding the natural things, where the shape or the form is not in the mind of the maker. And yet decisively present by the coming into being. The shape or the form is, say, in the dogs who generate the other dog. They are already dogs. The shape or form is. And only by virtue of this being, and not merely in the mind of the maker—it isn't in their minds at all; they don't know that they are dogs, and they don't know what they are about. But precisely this is the difference between nature and art. Now go on.

Again, nature is

Furthermore, physis is spoken of as coming into being is the way toward nature. Continue.

nature, then, qua genesis proclaims itself as the path to nature qua goal. Now, it is true that healing is so called, not because it is the path of the healing art, but because it is the path of health, for of necessity healing proceeds from the healing art, not to the healing art itself, but this is not the relation of nature to nature, for that which is born starts as something and advanced or grows toward something else. Towards what, then, does it grow? Not towards its original state at birth, but towards its final state or goal. It is, then, the form that is nature;

Let us stop here. The other would lead us too far. Genesis, coming into being, is a way toward a definite shape, toward a definite form. And this is in a way the origin of the whole thing in so far as, say, man generates man, the completed character or form precedes genesis and comes back, if in another individual, at the end. Nothing of this kind in the case of art. It is the way from a natural thing of a special kind, man, to a natural thing of a special kind, again another human being. Whereas, in the case of the arts, taking the example which he uses here, it is a way from something to something

specifically different, from healing to health. Whereas in the case of natural genesis, it is a way from something specifically one, man, to specifically the same, another man, although individually different. From one human being to another human being. The fundamental phenomenon from which Aristotle starts—from which he does not start in his exposition, but from which he starts in his thought—is the phenomenon of generation. And, to that extent, it is certainly true that Aristotle understands, ultimately, nature in the light of animate beings. And the reason for that, which is here not stated but which is here implied, is this. That we cannot possibly understand the higher in the light of the lower, but only the other way around. Well, in ordinary human thinking you are all aware of that; namely, how can you understand a great painter if you have understood only the scribbles of small children. If you know first what painting truly is, then some provisional light might fall on it if you look at the scribbling of children. You cannot understand a higher culture, or however you call it, by looking at a primitive tribe. Certain things will be illustrated, but what is the truth and the core you will not see in the more elements. Only the completed being can throw light on the beginnings. Well, a very simple example is of course this. How can you study embryology without knowing first the complete human being. At least the born baby, but ultimately the complete human being. Only by looking back from the body, the full grown human being, can you understand the embryological process. And the same applies to every other genesis. And this end of the process is not something which comes accidentally about, but the whole process can only be understood as directed toward it. Therefore the understanding of nature as form, as matter, must be subordinated to an understanding of nature as form. All natural beings are composites of matter and form, and in such a way that the form, the character of the specific kind has primacy. And that is of course the premise of the natural law doctrine as Cicero uses it. Not that the Stoics and Cicero agree in any way. We will find a reference to the differences in the Offices next time. But to that extent the nature of man. Man is fundamentally distinguished from the other beings. Man in his completeness, man in no way defective, for example, the man with the two eyes seeing and not the blind, and so on. That must be the starting point for any understanding of man. This is the nature of man. And natural law is related to the nature of man thus understood. In present day language nature is taken only to refer to the things which we share with the brutes. But that is exactly not the nature of man. That part of human nature which is merely animal, meaning common to the brutes, and not specifically human.

(I was wondering whether you could clear up for me a little bit how Aristotle derives the necessity of considering nature in terms of form out of his consideration of genesis. I didn't follow this.)

You mean here in the end passage. Let us find the exact passage. And furthermore, he says, man comes into being out of man, but not beds out of beds. Therefore they say that not the shape, meaning of the bed, is the nature but the wood, because if there were any further sproutings, no beds would come out of it but wood. Now what do we learn from this here. In artifacts, the shape is not the nature. It is not the nature, but, on the other hand, the nature is not the bed; nature is only the material. Now something analogous applies to natural beings. The transition is this. If this,

then, is art--meaning, as indicated by this example, that the shape is not the nature, and therefore that the bed can never reproduce a bed--then also the form or the shape must be nature for man comes into being out of man. The starting point is this. That artifacts can never reproduce themselves. Natural beings, at least the animate, reproduce themselves. But what does the reproduction mean? That ultimately the completed being in contradistinction to the primary form--the embryo or whatever you have--is natural. Therefore, nature means also the completed being and not the out of which. Since this natural process, generation, is a natural process, leading up to a peak, therefore an understanding of nature which does not make an allowance for the phenomenon of peak is fundamentally inadequate understanding. And that is the materialistic understanding, which sees only the permanent beginning. The question arises whether it can make intelligible the changes which occur with this permanent beginning. In natural things it is precisely the end of the process, and this is clearest in the case of genesis, of coming into being as distinguished from the three other kinds of changes--that this leads to a peak of some kind. That is the tendency. And that is no way an artifact. And you see this most clearly, of course in the generation of animals, where no vision of the peak is in the mind of the generators. And even if it were it would be utterly irrelevant to the process of generation itself. Therefore, this directedness toward a peak is the natural phenomenon par excellence, and the understanding of nature has to start from there. Because all other natural phenomena ultimately must be conceived of as lower forms of that.

(I can see how this argument goes against materialism, but the thing I didn't see how a consideration of the statue, of the form of the statue, in relation to the nature of the statue had any effect on this other argument.)

In the case of the statue the form of the statue is not natural. And yet we speak of the statue only if it has acquired the form. So, in other words, the place of the form in artificial things. . . In artificial things you have natural matter and an artificial form. In natural things, not only the matter but the form is natural. Is this clear? . . . inaudible . . . but let me see whether I can make it clearer now. We start from the artifacts, and there we find nature, say, the wood in the statue. Let us say the matter. Now what we did in the case of the artifact we have somehow also to do in the case of natural things. And just as the artifact is related to the nature in it, the wood, there is ultimately the same relation between the natural being, say the dog, and that first and permanent raw material of nature, first matter. That is one way we have to look at it, and it is clear as far as it goes. But then Aristotle suggests let us return again and look at the artifact again. And then we see that we have followed very nicely the way from the artifact via its material to the first matter. But let us look at the other side of the artifact. After all, the artifact is not only the wood, the statue, it is also the shape, the form. And let us see what that teaches us regarding the natural things. Is there not also in natural beings a form, a shape, of the completed thing. And is there not also a natural process by virtue of which natural things (which were not) come into being just as artifacts which were not come into being. After all, the statue

was not. If someone says, well the material is here, we can say, sure, the material but not the statue. And you could not even speak of it as material if you did not already have in mind the statue. And you could not even speak of it as material if you did not already have in mind the statue. And you could not even speak of it as material if you did not already have in mind the statue. For which is it material? Otherwise, it is only wood, or stone, or whatever it is. Now, having seen that, if we look, say, at the coming into being of natural beings—not forgetting what we know of the coming into being of artifacts—then we see also in the case of natural beings the primacy, the preponderance of the shape or form. Only the shape or form is here not brought about by an artificer, standing side by side and having a vision of the thing, with a view to which he arranges the material, but it is brought about without any such maker. (Well then, in respect to the polis, which is by nature, it has the character not only of a natural thing but also of an artifact, since somebody stands beside it and forms it according to the vision of its shape.)

Aristotle says that the polis is by nature. Does this mean the same as when he says that man or a dog is by nature? The polis needs human actions and planning, forethought. You would also think of this in connection with artificial things. The polis is something in between a natural being and an artifact. And what is natural in the polis is that it is required by the nature of man, but not regarding its coming into being, and not even regarding its being. That is, of course, a very difficult question. But that should be clear. The coming into being of the polis is not simply a natural process. Aristotle sketches it, how it could have been—you generate children, and they generate other children, and you get gradually a clan, and then the clan can become so large, and so on. That is how it could happen, but that is not essentially necessary. The settling together of a number of different clans on the basis of deliberation—they are large enough and they fit each other and this kind of thing—that is a much more sensible, and in this sense a much more natural beginning of the polis.

(There is a break of three or four minutes in the discussion here.)

... and then there must be the carpenter, or whatever, the maker. And then there must be an outline in his mind of how the thing will look—a house, a chair, or whatever it may be. And fourth, and first, the end or purpose. Because the form is defined in this case by the purpose. That we see easily. The purpose of a chair is to sit on, and then we make the form or shape of the chair with a view to the human body. Here the end is the beginning, the beginning of the whole process. Now if we start from that. In natural things, too, we look for the end of which, and we look for the through which (the efficient cause) and we look also for the shape or form. Must we not also look for an end. To which Aristotle says, yes. Under one condition. That you understand that in the case of natural beings, form and end are identical. So a dog generates a dog, not for another end, for example, to be fed in its old age by a young generation of dogs, and so on, but he generates dogs for the sake of generating dogs, for the sake of the preservation of the species, as we would say, but perhaps not going as deeply as Aristotle did. And we might have to say that the three causes

coincide, because dog generates dog for the sake of generating the dog. And then the body and the special bodily parts would, from this point of view, be considered the matter. It would remain. But that comes up later in the second book of the Physics, and unfortunately we cannot read that here because we are in a Political Science department. We must never forget that. But I hope that even those who are sold on the most severe distinction of departments will see that this is not entirely irrelevant. Because if you don't go into this kind of transpolitical reflection, going beyond the merely political, then you have to replace this kind of thing by an analogous thing, by scientific methodology, which is as little political science in the narrowest sense as in Aristotelian physics. Or you get into it in all kinds of indirect ways, for example, by assuming that psychology as it is now treated is an unquestionable science. That you can do. Then you just pass the buck to some other so-called empirical and positive science without having examined whether that lives up to its claim. Which is also perhaps very scientific but not very thoughtful or philosophic to do. So I think that with this apology we leave it at that.

(End of seminar.)

There are a few points I would like to discuss before we enter into a coherent discussion. You rightly said that in reading the Offices one must consider the fact that it is a book addressed by a father to his relatively young son. And everyone would, I suppose, in such a situation write ad hominem, with a view to the specific character, not only of this individual, but also with a view to the fact that he is a young man, a young man who is not perhaps able to understand certain moral problems which arise on a higher level of experience. And you furthermore said that this may help to explain the fact that Cicero claims here to follow the Stoic teaching which he rejects in his De Finibus (On the Ends of Good and Bad Things) which is his most comprehensive ethical writing. But what is the issue between the Stoics and the position which Cicero follows in De Finibus. That was perhaps not quite clear in your paper.

(I didn't want to spell it out because someone else is making a report on it.)

You must not be too just.

(If they are earnest in what they say, they say the supreme good is the only good, and all other goods, e.g. the happiness of your family, good health, etc., are not really goods.)

And what is that supreme good which is the only good?

(The supreme good according to the Stoics is honestum.)

Let us use a more common term. How was this called.

(They say moral rectitude.)

Virtus.

(That puzzles me, because they use the word virtue in another context.)

No, no. You should say virtue. That the Stoic virtue includes sapientia and prudentia, i.e. theoretical virtues, that is another matter. The formula is simply the four virtues. We come to that later. So the Stoics say that is the only good. And the alternative is? I mean the alternative which Cicero takes seriously?

(Vice could be the opposite to virtue.)

No, I mean the alternative moral system. None of the ancients would say that vice is a good. The simple alternative, of course, which Cicero excludes, is the supreme good is the highest pleasure. The Epicurean view. That he dismisses. But what is the interesting alternative to Cicero? Among those who reject pleasure as the highest principle?

(That there are a variety of goods, and that among these virtue is the highest good.)

So, in other words, what Plato and Aristotle meant. What Aristotle sometimes called the equipment, the external goods. But they are genuine goods from the Platonic/ Aristotelian point of view. And they are a part of happiness. From the first point of view, happiness consists of virtue alone. The other things are indifferent. You know, the famous Stoic rigorism consists in that. You know, being exposed to all kinds of misery—that is nothing. Whereas for Aristotle that is something, although it is not the only nor the most important consideration.

Cicero admits that he follows in the main Panaetius, who lived about 100 years prior to Cicero. He was a Greek and a Stoic. Why does Cicero not simply send to his son Marcus, who was after all

in Athens and who could read Greek, Panaetius's treatise on duties? Why didn't he do that? Well, one could at first give a superficial answer—that Cicero qua father has an authority, or is supposed to possess an authority, which some stranger, however famous, could not possess. And also the difference between Rome and Greece. But dismissing this as insufficient, because Cicero could have written a preface to Panaetius's book and also a translation of it. That is all right. But you gave a more important reason. You said that Cicero speaks of one deviation, namely, that Panaetius did not discuss the variety of noble things, for example, the question which noble thing is preferable to another noble thing, and which useful thing is preferable to another useful thing. And these are important elements of deliberation. And you tried to trace this back to the Stoic principle. And this principle you stated as follows: all noble things are equally noble. Just as the other is more famous, all crimes are equally crimes. Now did you look up Panaetius, either the fragments or in the histories of philosophy? (I couldn't find a great deal.)

What I remember now is only this. The negative thesis is very well known—that all crimes are equal. It is a Stoic teaching. I do not remember at the moment the phrase to the effect that all noble things are equal. I believe that is a corollary from the negative statement regarding crimes or vices. That is possible. Now if this is so, this seemingly trivial thing—that Panaetius omitted to discuss the variety of noble things, and which is preferable to any other—reflects a fundamental disagreement, and this would then show that Cicero, even here, in this book, the Offices, which in the main follows the Stoics, deviates from the Stoics in a matter of great importance.. That is what you were driving at? That is surely a very worthwhile suggestion, which in order to be made absolutely certain would require some readings. I think the fragments of Panaetius have been collected. I do not know by whom. Failing this, you might take the collection of the Stoic fragments made by von Arnim, and see whether there is anything said on this subject by Zeno or others. That is certainly an important suggestion.

Now there were two more points which I would mention which came up in different contexts. You said according to Cicero as well as according to Aristotle every human being participates somehow in reason, even the slaves. And I think you are perfectly right if you ascribe this to . . .

(They can understand what you are saying.)

But what about a dog? Or any other tamed and trained animal? Which also understands you.

(Not in the same way.)

Not in the same way. On a lower level. In other words, the dog really doesn't understand a word. There is only an association between a certain expectation and a certain sound. The slave could understand the word. So if you would vary the word, the slave would still understand, and the dog would not understand. And other things. Surely.

Now the more important point is this. You mentioned that according to the Stoic, as well as according to the Aristotelian teaching, man possesses a natural inclination toward virtue. And that is surely fundamental. The whole position stands and falls with that. And so muchly that we can say that if someone also spoke of morality, or of natural law, while denying a natural inclination to virtue, that is

something radically different. Now if you look at this proposition from today, I mean given our present state of knowledge or ignorance. This proposition—man possesses a natural inclination toward virtue—sounds strange, not to say absurd. I mean, if you would say this to any social scientist today, especially at the University of Chicago but not only at the University of Chicago; I believe at Harvard and Yale the reaction would be even more violent. What would they say to you, if you would say that?

(They would say that the inclination, if there was one, was probably in the other direction.)

So, in other words, man possesses as many natural inclinations as there are possible objectives, and that has nothing whatever to do with virtue or vice. Sure they would say that. So one would have to see the argument. And Cicero must give us in some way an argument in this book, by which he shows us that there is truly a natural inclination to virtue, but not to vice. But to begin with, that is a fundamental blunder which these older thinkers committed—by speaking of a natural inclination to virtue.

(He gives some sort of an argument by suggesting that even people who commit crimes try to make them appear just.)

But would this be conclusive?

(No.)

Because that would mean that virtue is only a social convenience. One must never forget the fact that in classical times there was one school at least, very well known to Cicero, which also denied that man possessed a natural inclination to virtue. And that was? The Epicureans. How did they account for virtue? Because what they suggested, their moral teaching in its rules, was not so greatly different from that of the Stoics. But how did they conceive of virtue, if man does not possess a natural inclination toward virtue and if the basis of morality must be nature—as the Epicureans also admitted.

(If I understood them correctly, they said that there is an inclination to it but . . .)

No, no.

(He answers them in *De Finibus*, the Epicureans, by turning around and saying that even you, i.e. the Epicureans, say that it is desirable.)

Yes, but why?

(For happiness.)

Does man have a natural inclination, say, to temperance according to the Stoics?

(The Stoics?)

To the Epicureans. I am sorry.

(I don't think so. I think they simply said a natural inclination to pleasure.)

Yes.

(And then they concede, in the course of thinking about it, that the only way that this pleasure can be realized is through temperance, etc.)

So, the basis of virtue according to the Epicureans, is calculations. You figure out that this is wiser. According to the Stoic teaching, the basis of virtue is not merely figuring out—although that would come in in a subsidiary manner, but a primary inclination. In modern thought, in the 17th century or so, this can be said to have been the crucial issue. Locke, for example. At the beginning of Locke's doc-

trine is the denial of a natural inclination to virtue. You see this in the Essay on Human Understanding (Book I), but also in Locke's early essays on natural law, which were published only a few years ago. Locke raises the question there—is there a natural inclination toward virtue? Answer: No. Unfortunately, he did not write this essay. You remember that the essays were fragmentary. But the answer is the same as that which he gave later. We have a natural inclination toward the fulfillment of our wishes. That we have; but not toward virtue. And in this respect Locke's argument is identical with that of the Stoics, excuse me, of the Epicureans. There are, however, very important differences between Locke and the Epicureans. This much in general about your paper.

Now we turn to the text. The book is called De Officiis, which is translated by the editor On Duties, and very frequently also, On Moral Duties. Of course I think it is indefensible to translate it once by Duties and once by Moral Duties. One must make up his mind. Moral duties I suppose he takes in contradistinction to legal duties. Well, then, he should speak all the time of moral duties. If that is his meaning. But this is exactly a very great problem—how to translate this. And you gave some consideration to this question in your paper. And this is not merely a question of philology or something with which we have no interest. It raises a fundamental question. There is a very good English discussion of the problem involved here in R. G. Collingwood's autobiography. This is a book which is worth reading from every point of view I believe. It is the most powerful and clear statement in the English language of which I am aware of what I call historicism. And the question which he raises here, in this chapter, the history of philosophy. May I read it?

Take Plato's Republic and Hobbes' Leviathan so far as they are concerned with politics. Obviously, the political theories they set forth are not the same. But do they represent two different theories of the same thing. Can you say that the Republic gives one account of the nature of the state and the Leviathan another? No. Because Plato's "state" is the Greek polis and Hobbes' is the absolutist state of the 17th century.

Do you get this point? Perhaps you are familiar with this issue. What would you say to this proposition, in the first place. I will come to duty immediately afterward. What would you say to this point? I repeat—that there are different theories, every child can see that. But what every child cannot see, and especially if he is dependent entirely on modern presentations, including translations, and which is therefore more interesting, is this: Do they deal with the same subject?

(While the outward form might be comparable, wouldn't the distinction be the difference between the ends for which the states were organized.) But he denies that Plato's Republic deals with the state. He says that it deals with the Greek polis. You have to read that. The word state never occurs in Plato. He is absolutely right in that.

(Can you argue that they can distinguish among different species but don't recognize the genus that they belong to.) That would be possible, and we will come back to that. First I would argue this. What Collingwood says is, in one respect, simply wrong,

because Plato's society is not the Greek polis. It is a polis, and by accident Greekness may play a role. But that is not essential. Secondly, it is absolutely preposterous to say that Hobbes' state is the absolutist state of the 17th century. Hobbes speaks about the state. And if you see that Hobbes is wrong, and since you are impressed by his cleverness, and ask yourself how could such a clever man be so manifestly wrong, and then you give an explanation of this error. You may say, well, looking at the situation in the 17th century you could see how a clever man could make this otherwise preposterous proposal. In other words, that would come in in a very derivative reflection and not in a primary way. But now let us turn to this other proposal. Alright, the polis and what Hobbes calls the commonwealth, are not the same thing. But could one not still say --Hobbes speaks of Commonwealth in English and Civitas in Latin, and civitas and polis, that is not so greatly different. That appears if you read what the Greek philosophers say about the polis and what Cicero says about the civitas. So let us call this the commonwealth, and forget about the state. The word state has certain implications which are indeed alien to the classical thought. When you say state today, not in earlier times, you mean a distinction between state and society. You can't help meaning that today. This distinction is absent from civitas and from polis. Sometimes students must be asked to believe a teacher, because it would take too long to demonstrate it. But if you have any concrete evidence against me, then you should bring it up.

(It would not be a distinction I would make.)

But you are a very special case. You are a mathematician, I am happy to know, and you have not been living in the social sciences for any length of time. Therefore you don't know what are the categories used by the people specializing in these things. You have a kind of commonsense, uncorrupted by theories. But believe me. I think almost everyone else would admit, who knows from experience, that I am right here. Good. Then how do we state it. Let us say, why not use the vaguest of all terms, and yet at the same time not entirely vague, so that it would be merely 'x'--society. That all political philosophers, or whatever we may call them, at all times dealt with human society. Regardless of whether they make a subtle distinction between society and state, or whether they conceived of society in terms of a polis, or in terms of larger societies, and so on. And, therefore, from this point of view one would be absolutely right in saying that Plato's Republic and Hobbes' Leviathan deal with the same subject. To which Collingwood would reply as follows. This which you can denominate, of which all philosophers spoke, is so vague that it is almost an "x". The first word is the same, but the second word they say about that is already different. But nevertheless, I would say that the point which Collingwood makes is by no means negligible, whatever may be true of his conclusions. If we read, say, Plato's Republic, or Cicero, in the perspective of present day thought, we do not understand it. And the simple, practical proof of this are the translations. For what are the translations except attempts to make Cicero a twentieth century Englishman or American? That is what they are trying to do. And this has a certain public relations function which we, being political men, do not minimize. But if Cicero is of any real interest to us we cannot leave it at that--Cicero in the garb of a twentieth century executive or labor leader--if you can

see Cicero as a labor leader. Now he goes on to argue as follows.

It was obvious to me (when he was fairly young) that this was only a piece of logical bluff. And that if instead of logic chopping you go down to brass tacks and called for definitions of the state, as Plato conceived of it and as Hobbes conceived of it, you will find that the differences between them were not superficial but went down to essentials.

Meaning that the theories of the state are not only different but the very problem was essentially different.

You can call the two things the same if you insist, but if you do, you must admit that the thing has devilishly changed on its way, so that the nature of the state in Plato's time was genuinely different from the nature of the state in Hobbes'. I do not mean the empirical nature of the state.

Meaning the England of the 17th century was something entirely different from Sparta.

I mean the ideal nature of the state. What even the best and the wisest of those who are engaged in politics are trying to do has altered. So the principles of political goodness have altered, not only the matter on which they work. Plato's Republic is an attempt at a theory of one thing, Hobbes' Leviathan is an attempt at a theory of something else. There is, of course, a connection between these two things, but it is not the kind of connection which certain people in England thought it was. Anybody would admit that Plato's Republic and Hobbes' Leviathan are about two things which are in one way the same thing and in another way different.

And the solution he gives is that Hobbes' state developed out of Plato's state, so that by this connection it is the same. But, by having developed out of it, it is something different.

Pursuing this line of inquiry I soon realized that the history of political theory is not the history of different answers given to the same question, but the history of a problem more or less constantly changing, whose solution was changing with it.

To repeat, the ordinary view at that time, the old fashioned view, was that there was one unchangeable problem which persists in the variety of answers. Collingwood, being a historicist says, even the problem has changed, the problem has been affected radically. Let me read another passage which is immediately relevant to us.

It was not difficult to see just as the Greek polis could not legitimately be translated by the modern word state, except with the warning that the two things are in very essential ways different, and a statement of what these differences are,

With this I fully agree.

so in ethics a Greek word like dia cannot be legitimately translated by using the word ought, if that word carries with it the notion of what is sometimes called "moral obligation". Was there any Greek word or phrase to express the notion of moral obligation. The official teachers in England at that time said there was. But they by adding that the theories of moral obligation expounded by Greek writers differed from modern theories such as

Kant's about the same thing. How did they know that the Greek and the Kantian theories were about the same thing? Oh, because dia, or whatever word it was, is the Greek word for ought.

And that is, of course, a perfectly legitimate question. Did the Greeks have this notion. That is the point. This example is, of course, very pertinent to us today. We speak of duties, and particularly of moral duties. And we know somehow what that means. Is officium, the Latin equivalent to that, is this really what we mean by moral duties. You see, such reflections are necessary and they are very rewarding. Look at a contemporary example. People try to get an understanding of the present situation. God knows what enormous statistical and other work is being done. But this is all really, while possibly practically useful, superficial. It doesn't tell us the truth about man today. This is revealed much more by reflection on words. We, all of us, including Father Buckley, at least in his reflections here with us, would not say in praise of a man today, that is a virtuous man. Or very rarely. Most of us wouldn't do it. We use other words. People formerly used the word virtuous. I do not say that we are wise in our usage; I think we are wrong. But qua modern man, man living today, we do not speak of virtue with that ease with which people in the 18th century spoke of virtue. Now what do we say for virtue today; I mean, if we want to praise someone, or to call somewhat what one hundred years ago or one hundred fifty years ago we would have called virtuous. We don't use virtuous anymore. What do we say? We very rarely say a just man.

(Moral.)

Yes, that occurs, but I think moral is not, how shall I say it, quite chic from the present day point of view.

(Perhaps we say that he is a wealthy man.)

That we do not. Only very stupid people. I mean we know so many wealthy people, at least from the literature, who were absolute crooks. But I believe I can answer the question. Two words struck me as I was thinking about this problem.

(It is becoming very common to say that a person is well-adjusted.) But that is, of course, based on a very low psychology, and it is not a matter of merely moral usage. It has migrated from the classroom into usage. But I am interested in these words which arose out of modern life and without any influence of the classroom as classroom. And I believe I can indicate two such words. The first is decent. We say of a man without any hesitation and without blushing, that he is decent. You know the famous English statement—of a man who has saved someone else while endangering his own life—"rather decent of you, old chap." Decent, that is possible. I do not know the exact history of the word decent. But I believe that decent meant for some time something less than virtuous—a man who has good manners. In other words, we are ashamed to use this high saluting word, and we use this lower word, but give it the full meaning. Because we do not mean when we say that a man is decent that he is able to use fork and knife properly. We mean what was formerly called virtuous. And the other word which we have irresponsible, a responsible man. Is it not true that this is used in America very frequently as a term of the highest praise regarding moral character? Now an analysis of these words, especially of the word responsible, would help. When you say responsible, you must say responsible to whom. And this whom is not clearly defined;

I believe it means, however, responsible to society. But that I do not know. At any rate a study of the terms decent and responsible as used now would tell us much more about present day man at his best than statistics would.

(I have heard the usage, he is a good man, meaning he is a he man, or a proper man, without any overtones of morality.)

I am not aware of that. A good man, meaning, for example, in appointment questions. When you say he is a good man, for example, for a job in public administration, you would not for one moment think there of his moral qualities. You would say he is good for. Yes, that of course existed at all times, even in Greek and in Latin. But the question is whether this "good" is not always used in a context where the "good for what" is implied in the situation. And then there would be no radical change. And therefore what we see in looking around, we must of course apply when we try to study Cicero who, to our great regret, wrote in Latin. Thus we have this additional difficulty.

Therefore, the first question is what did officium, because that is the term used in Cicero, mean originally. I do not mean that we have to go back to Indo-Germanic origins or anything like that, but in Cicero himself. We find a few instances of this. If you turn to page 23, bottom

. . . in this direction we ought to follow Nature as our guide, to contribute to the general good by an interchange of acts of kindness,

Stop here. What he translates here by acts of kindness is in Latin officia. Let us take another example, page 50 bottom.

For if we do not hesitate to confer favours upon those who we hope will be of help to us, how ought we to deal with those who have already helped us?

Now what he calls here favours is again in Latin officia. And as far as I know this is really the original meaning of the word. One can perhaps say this, and what I am going to say now would need a longer study. It is at the moment only a suspicion. Officium in pre-philosophic usage meant such a thing like favor. To gratifying someone, or something of this kind. And then it was necessary to find Latin equivalents to Greek terms, Cicero, or whoever else, probably Cicero, said I pick officium and specify, and at the same time enlarge, its meaning. And from now on it will be equivalent to the Greek word in question, to which we come shortly. This happens more than once. You know, certain words are given a specific meaning, in a way a more precise meaning but often a more enlarged meaning, because the Romans did not have an exact equivalent to the Greek term. In some cases, as in our case, Cicero tells us which Latin word he chooses for rendering the Greek word of philosophic precision. By mere accident I found in Thomas Aquinas commentary on Aristotle's Politics the following comment: virtue is related essentially to action, but officium is the proper act of someone. Meaning, in the context of a slave, a woman, a ruler, or whatever it may be. So it refers to the act in agreement with virtue; in agreement with virtue and therefore in agreement with the conditions, or circumstances, of the actor. That is officium. But that is, of course, much later and on the basis of the constant use of officium in Latin philosophic literature since Cicero. One can say that the term officium or its Greek equivalent does not play any role in Plato and Aristotle. The thing

may be there but differently, and we must watch that.

Now let us begin with the 8th paragraph, where Cicero introduced his translation. But you had a question.

(To return to that Greek term dia. Did I understand Collingwood correctly to say that this did not mean moral necessity in Greek?) That is perfectly correct. In the original meaning. What does this term mean?

(Necessity.)

Yes, but what else.

(Need.)

Need, or lack. Something is lacking. And the necessity means that if it is lacking it must be supplied. For example, if you are short-sighted, then the lack. And then this lack must be compensated for, or supplied, by glasses. And that applies also to human actions and the human character. And one can very well say that the Greeks conceived of virtue, at least in a certain perspective, this way—that which completes the various kinds of lack which man possesses. The virtuous man is the complete man, the entire man, the whole man—healthy not only regarding body but regarding soul. And in this orientation there is nothing of obligation, of law. I think that is correct. And then we come exactly to this great question. Cicero, as we know and as we shall see again in this work, speaks of a law. Now in the moment virtue is seen in the context of this law, of the law of nature, then it becomes possible to conceive of the virtuous action as obligation. This is, of course, a very long story. For example, if you take duty. What is the etymological root of duty?

(Debitum.)

Surely. Now debt is the most English word here. Now this is something which has primarily its home in the realm of one particular virtue, namely, justice. Where you have to pay debts; not necessarily money, of course, since there are other kinds of debts. But a debt of this kind, for example, a debt of gratitude to one's parents, to one's country, and this kind of thing, does not necessarily apply to the other virtues. Therefore the question is whether Virtue as a whole is understood in terms of debts, or virtue as a whole is understood in terms of completeness, and where that part of virtue which is directly intelligible in terms of fulfillment of a debt, a duty, is not a subordinate part of virtue. The overall understanding of virtue is involved. Whether the virtuous man is understood primarily in terms of a man who obeys a law—of course not merely the positive law—or whether virtue is not primarily understood in terms of such obedience. That is the question. And that is a serious problem. One cannot leave it at Collingwood's mere remark that the Greek word is not the same as duty. I believe this is philologically correct, but one must try to see what this means in concrete terms. And to some extent we can perhaps see it from what Cicero says. Are there not certain perfections of man which it is hard to understand in terms of the fulfillment of obligation? The fulfillment of obligations is clearest in the case of (inaudible) and especially clear in the case of massive negatives, which man should know. Now, to overstate it, one could say that either one understand virtue in the light of something completely lacking this compulsory character. For example, let us take a simpler case. When Aristotle speaks in the fourth book of the Ethics of wit as a social virtue. We would always say it is a social grace. But for Aristotle that is as much a virtue as temperance, and even a higher one. Not because it is more earthly, but

because it requires a higher degree of sophistication than mere temperance does. Now to speak of urbanity as fulfilling a duty is a bit hard. Do you see that? And the same would also apply to some intellectual virtues. Therefore, I think it is perfectly correct to say that in the primary classical orientation the element of duty is not present. Think of Achilles' notion of virtue in the *Iliad*—to be always the first and to be superior to everyone else. There is no element of duty in that. Achilles would despise men who were not virtuous men, but he could not morally condemn them. And there is another notion of virtue in which mere contempt would not be the proper attitude toward the defective, but condemnation. So, if we leave it this way—if the overall understanding of goodness is in such a light that vice is despised this is something different than if vice is condemned. Now in present day anthropology, I was told, they make a distinction between guilt cultures and shame cultures. That has something to do with this. The biblical tradition is clearly a guilt culture, and Japan I would take to be a classical example of a shame culture. Do you remember anything of this.

(I have heard of the use of it.)

I don't believe they use it in political science, strictly conceived. But I believe that has something to do with it. I am extremely doubtful of those names—guilt and shame—but that there is something of importance here is doubtlessly true. Even if the same courses of action are recommended in both cases, the spirit of the recommendation will be different. But you wanted to say something?

(I don't want to keep this going beyond the due limit, but didn't the Greek term with which we have been concerned come to have the meaning of moral obligations, whether it meant this originally in Greek or not. The concept of virtue and moral obligation as having reference to the fulfillment of man was a common way of conceiving it throughout the tradition—from the Greek right through the Middle Ages.)

That is not so clear. I do not believe that it is so simple. The concept of moral obligation was not so immediately present to the Greek thinkers as it is to us. For example, I looked up Kant and in his ethics he uses the term *officium* and obligation as synonyms. One can only say that Cicero did not do that in his day. The word obligations never occurs. Now is it a mere accident, or is it meaningful. And I suggest that we discuss as we read this book how Cicero introduced the term *officium* and what he says about it. I believe this is not a negligible problem, but how important it is indeed depends on further consideration. There is always the question where one should stop in etymology. And I believe the wise step is not to go beyond what the writer in question considers or uses. Now in the case of *officium*, for example, there is a non-terminological use (these two examples I gave you). There we have to be obliging, but not in the sense of moral obligation. You know, when you say he is an obliging fellow. By the way, the English word *officious* is generally used as a term of rebuke. But what does it imply—a man who is too obliging. And here obliging does not mean fulfilling obligations. Something of this seems to be certainly a pre-terminological use. Let me also give you an entirely different example in this matter of etymology. When you study Plato's doctrine of ideas, and you want to do a thorough job of it, you have to consider the whole Platonic usage of the term *eidos*. Now this is used in many, many cases non-terminologically. Where *eidos* simply means the shape of a thing, the looks of a tree, and nothing else. That is legitimate. But if you go all the way back,

perhaps, to Sanscrit usages, then you do something which is pure fantasy. But this explicit use—when Plato uses it as his key term and in a precise way, and also uses it in a popular way, then you must surely give some thought also to the popular meaning, because it is bound to throw some light on the strict meaning. I don't think one has to go beyond that. And similarly here. Officium, in the sense of favor, is, as it were, the matrix, out of which Cicero, with a view to a certain Greek word, coined officium as a philosophic term. And then we must see—since favor or kindness has not in itself any reference to moral obligation—whether it comes in via the marriage of officium and a certain Greek word. Which is that Greek word? That is our question. Let us look a paragraph 8 of the first book (page 11).

And yet there is still another classification of duties: Yes, he says already officium: "There is a certain officium and . . . " we distinguish between "mean" duty, so called, and "absolute" duty. Absolute duty

Let us get it a little bit more exact: "There is a medium officium and a perfect officium."

Absolute duty

Perfect duty.

Perfect duty, we say, I presume, call "right," for the Greeks call it . . . , while the ordinary duty they call . . .

This common officium that they call The text here is not quite in order, but let us assume that this is what Cicero wrote.

And the meaning of those terms they fix thus: whatever is right they define as absolute duty, but "mean" duty, they say, is duty for the performance of which an adequate reason may be rendered.

Let us assume that we understand the meaning of the word duties. Let us use it in our minds in quotation marks. Then Cicero states that there is a subdivision of duties into perfect and mean, medium. Or perfect and common duties. Mean and common mean here the same. The perfect duty is that which is simply right, correct. But there is something else which is not simply correct. And that is something—an action or a deed—for which one can give (adequate reason is wrong) a probable reason, a reason which justifies it to some extent. What does this mean? That is not very clear here. There is a later passage which we can use, and then there is a passage in *De Finibus* to which we have to turn. On page 103 (beginning of Chapter 29)

Again, every action ought to be free from undue haste or carelessness; neither ought we to do anything for which we cannot assign a reasonable motive;

Literally, a probable cause, a plausible cause.

for in these words we have practically a definition of duty.

You see, what he means here by duty is of course not duty simply, but the mean or common duty as distinguished from the perfect duty. But for pedagogic reasons, because he addresses his young son, of whom perfection is not expected in any way, he may forget about perfect duties and limit himself to mean or common duties. Now we find a precise statement of this in the third book of *De Finibus*, paragraphs 58-59 (page 277). Here I would have you remember that the Stoic is speaking; Cicero does not speak here in his own name.

But although we pronounce Moral Worth to be the sole good, it is nevertheless consistent to perform an appropriate act, in spite of the fact that we count appropriate action

neither a good nor an evil. For in the sphere of these Now what he translates here by appropriate act is in Latin officium. I do not know whether that is the best translation but it is a preferable translation, because he does not beg the question. It is the same as what we mean by duty. An appropriate act, that is exactly what Thomas says. Continue.

For in the sphere of these natural things there is an element of reasonableness, in the sense than an account can be rendered of it, and therefore in the sense that an account can also be rendered of its performance; and this proves that an appropriate act is an intermediate thing, to be reckoned neither as good nor as the opposite.

Now if I use the word duty, from this it can be understood that duty is something intermediate, which cannot be counted among the good things nor among the bad things. You see here that that is an entirely different word. Cicero is very close in what he practically advises his son, as every decent man at all times would have advised. We are not concerned at the moment with the substance of his advice, but with the meaning of the fundamental concepts which he uses.

And since those things which are neither to be counted among virtues nor vices nevertheless contain a factor which can be useful, their element of utility is worth preserving.

The translation "appropriate acts" is probably the better one here. Now go on.

Again, this neutral class also includes action or a certain kind, viz. such that reason calls upon us to do or to produce some one of these neutral things.

You see that this is a very astonishing assertion to begin with—that what we are in the habit of calling duties belongs neither to the good nor the bad things. What can he possibly mean? Let us face that riddle. We will get an answer on the next page.

It is also clear that some actions are performed by the Wise Man in the sphere of these neutral things. Well then, when he does such an action he judges it to be an appropriate act. And as his judgment on this point never errs, therefore appropriate action will exist in the sphere of these neutral things. This is also proved by the following syllogistic argument: We observe that something exists which we call right action; but this is an appropriate act perfectly performed.

In other words, perfectum officium, in Latin. What he spoke of before. It was translated perfect duty by the other translator.

Therefore there will also be such a thing as an imperfect appropriate act;

You see, that is clear. If there can be a perfect appropriate act there must also be imperfect ones. Otherwise it wouldn't make sense to speak of perfect. And now he gives an example, which is a bit blurred in the translation.

So that, if to restore a trust as a matter of principle is a right act, to restore a trust must be counted as an appropriate act.

That is simply an error of the printer I trust. Literally translated, So that if to restore something justly deposited is a right act, to restore something deposited must be counted as a duty. Do you see the difference?

(End of this side of tape; a few sentences were lost in changing the tape.)
 . . . cannot possibly know who is the rightful owner, and so on. Therefore, we make it a crude rule of practice, and say—to restore deposits is an appropriate act. But that is a lower level of reflection, that we drop this distinction. Now what Cicero is doing in the book, the Offices, deals only with these crude things called officia in the narrower sense. The appropriate act as distinguished from the right act. This we must keep in mind. The distinction is, in this form, a Stoic distinction, and the key concept of the Stoics was the wise man. And this had very much to do with the Socratic teaching, virtue is knowledge. If virtue is knowledge, only the wise man can be virtuous. This is virtue strictly speaking. But then we must also, as sensible people, know that there are many people who are not wise and that there is a great difference among them regarding decency and indecency. Therefore we need a lower conception of virtue. And this is in terms of people who are not wise. Cicero's son Marcus was surely not wise at that time, and the father may very well have suspected that he may never become wise in his life. At any rate he gives him this massive morality, on which all of us must act most of the time, but which is not pure morality. The distinction reminds somehow, although it is not identical, of the Platonic distinction between true virtue and popular virtue. Well, a thing which I have said often enough—Aristotle is the discoverer of moral virtue, and Aristotle is the greatest influence in our tradition even up to today. There is no moral virtue in Plato. There is in Plato a distinction between genuine virtue and popular virtue. What Aristotle calls moral virtue is called by Plato popular or vulgar virtue. If you want to have the proof of that you only have to read the myth of Gyges at the end of the Republic, where he describes the man of moral virtue without using the term. What is a morally virtuous man, according to Aristotle? A man who is virtuous by virtue of habituation. Of this man who has been brought up in good habits, and has become good by virtue of habituation, Plato says, or Socrates says, that he will choose at the moment of the possibility of his rebirth, the life of a tyrant. In other words the morally virtuous man is not truly converted to the true good, and therefore his virtue is only vulgar or popular virtue. And until further, and better, instruction, I would contend that in this respect the Stoics agreed with Plato. And that this distinction between perfect duty if we may translate it that way, and medium or common officium, that which every human being can be expected to do. The latter does not require wisdom. From this distinction many consequences flow for the understanding of Cicero's book.

Now what shall we do, both from the standpoint of time and our tongues, in the literal sense of the word? We cannot all the time say appropriate act, appropriate act. So let us use the word duty, but let us not use the term moral duties because that introduces the distinction between moral and legal duties, which is not here in any way implied. Let us speak of duties, trying first to find out from our readings of Cicero what is the basis of the duty and what is the meaning of the duty. But with this proviso—that in this book Cicero is going to speak only of the lower kind of virtues, and not of the perfect virtues. He is going to deal with that kind of virtue which does not require wisdom in the actor.

Now let us begin with the text. Paragraph 11, where Cicero lays the foundation.

First of all, Nature has endowed every species of living creature

Now before we continue to read, perhaps the reader of today's paper will remind us of what he is doing in paragraphs 11-14, where he speaks of the nature of man. This is, as a matter of course for Cicero, the beginning of the argument. The appropriate acts of man must be defined with a view to the nature of man. Obviously we would not expect from man the acts which are appropriate acts for a dog, and vice versa. So, therefore, he has to make that clear to us, and not merely by a mere enumeration. For example, if a man should suddenly bark, that is not an appropriate act for a man, although it can be done perhaps in a state of gaiety. But in the case of a dog, if he would not bark, there would be something wrong with the dog. So we have really to consider the nature of man. What do we learn about it here. What does he say in this section, paragraph 11-14.

(He says that everyone is endowed with some instinct for self-preservation, which isn't simply for the sake of life but for serving yourself in your natural state. This natural state is, of course, different from the state of nature.)

Yes, we come to that later—this problem which you raise.

(And also preserving your natural propensity to do certain things. Man is distinguished from dogs and other animals by virtue of his reason, although this isn't the only thing that distinguishes him. By his power of reason he is compelled to associate with other men. There is a social instinct. And also he is directed toward an appreciation of things that are orderly and neat.)

Yes. So you see, in paragraph 11 he speaks first of what you called self-preservation. Let us be a little bit more precise. This is given to man, to every kind of living being. It is given by nature that it protects its life and body, and refuses those things which seem to be harmful and seeks everything which is necessary for life. Furthermore, all animals have in common the desire for procreation, the appetite for procreation, and care for offspring. But the fundamental difference between man and the brutes is indeed reason. And reason comes here first in the sense of foresight. The brutes are limited to the present; man can anticipate the future, and can also preserve the past better. Therefore he can take a large view, of which these animals are incapable. Man is supplied by nature with reason. This doesn't mean that man is born with the perfect use of reason, but he possesses this capacity to develop his reason. This is within him. No brute possesses this. You can easily make an experiment of that. No matter how bright a dog you may have, you would never seriously consider sending him to the University of Chicago. Whereas in the case of a newborn baby you would at least consider it as a possibility. In the latter case this aptitude is there from the moment of birth. And, furthermore, there is a real connection between man's reason and the higher degree of sociality than the brutes are capable of. And then he goes on to speak (paragraph 13) of the things which are entirely proper, i.e. peculiar to man, and that is the inquisition of truth. Let us read that paragraph.

Above all, the search after truth and its eager pursuit are peculiar to man. And so, when we have leisure from the demands of business cares, we are eager to see, to hear, to learn something new, and we esteem a desire to

know the secrets of wonders of creation as indispensable to a happy life. Thus we come to understand that what is true, simple, and genuine appeals most strongly to a man's nature.

"Is most apt for the nature of man,"

To this passion for discovering truth there is added a hungering, as it were, for independence, so that a mind well-moulded by Nature is unwilling to be subject to anybody save one who gives rules of conduct or is a teacher of truth

Independence is a bit weak as an expression for principatus. Firstness, one could say, leadership. Being the first. "So that a man who is well built by nature doesn't wish to obey anyone except a man who prescribes (meaning who prescribes reasonably) or teaches or who rules justly and according to law for the sake of utility." In other words, a healthy human being could not live as a slave. That is at least the primary impulse. "And out of this there arises greatness of mind and a contempt for human things." Now from these general observations of the nature of man there follows a definition of the virtues. Cicero, as well as the Stoics, follow Plato in this respect. There are four virtues, the so-called four cardinal virtues. Wisdom, or reason; then regarding sociality, justice; regarding the desires and the control of the desires, temperance; and, regarding anger, or the capacity to resist and repel, courage. But courage is taken here in a very wide way—strength of mind. It is the same as greatness of mind. It implies in it what Aristotle understood by magnanimity. In the sense of greatness of goals and worthiness of these goals.

So, in other words, what Cicero says about the nature of man is really the common, classical teaching. The rule which arises from it, and which we will see much more fully developed later, is this. Man, being radically distinguished from the brutes, reaches his perfection by developing most fully that which is peculiar to him. Man shares certain things with the brutes. For example, he has a digestive system. But we do not call a man a first-rate man if he happens to have a first-rate digestive system. We say—that is a lucky fellow. But we do not say that he is a good man. When we say that a man is a good man, we mean that he is good with a view to that which distinguishes man from the brutes. Take another example. The preservation of body and health, which we share with all brutes. If someone is very good at that, we do not say that he is such a good man. We say that he acts with some sense in regard to his health, and so on. By goodness we mean goodness with a view to the specifically human. You can make a kind of empirical test for that. And that is this. Look at yourself, and whenever you praise a human being, or think highly of him, see whether you do not always have in mind an excellence in specifically human qualities. We admire very much a man who can climb. We may say that that is really very admirable, but since monkeys can do that perhaps even better, we do not say that a first-rate climber is a first-rate human being. Even though we may pay a dollar or more to see him occasionally in the circus. Now look at any example and see whether the Ciceronian notion of virtue doesn't stand the test of our practice. Our practice being, in this case, our judgment. Because it is easier to take our judgment than others. Because there we are not so easily deceived as when our private interests are involved. If we happen to be first-rate climbers, we might be inclined to over-

estimate the significance of that. If we, ourselves, were climbers.

And then Cicero speaks in the sequel (paragraph 18-19) of wisdom. And, as the reader of today's paper observed, this discussion is just one page. So that is not an important subject in this context. And that will lead us to the great question, which is discussed also in the sequel, which of the two ways of life--the life dedicated to wisdom or the practical life--is higher or lower. I think we should discuss all of these passages together next time.

I think we should take today only one subject, one particular point, of a very general character. And that is in paragraph 102. This deals with the great question, which is so difficult for most of us today, concerning nature as a norm. Today it is axiomatic that the conclusion from the "is" to the "ought" is not valid. Nature, the is, does not tell us anything as to the ought. That is elementary today. But it wasn't evident to thinkers in former times, and you must see how it came to be accepted. Now let us begin on page 103, bottom.

The appetites, moreover, must be made to obey the reins of reason and neither allowed to run ahead of it nor from listlessness or indolence to lag behind; but people should enjoy calm of soul and be free from every sort of passion. As a result strength of character and self-control will shine forth in all their lustre. For when appetites overstep their bounds and galloping away, so to speak, whether in desire or aversion, are not well held in hand by reason, they clearly overleap all bound and measure; for they throw obedience off and leave it behind and refuse to obey the reins of reason, to which they are subject by Nature's laws.

Literally, by the law of nature. Here the term clearly occurs. The passions are subject to the reason by the law of nature.

(An illustration of the law of nature is now what simply happens?) Let us state it more precisely. The law of nature does. . . Yes, you can say the law of nature. . . But, in the other hand, it is effective. Let me state it from the Kantian point of view--is/ought, a clear distinction. Kant does no longer speak of a law of nature. He speaks only of a law of reason. He implies that it is not, as such, effective. The older people, who spoke of a law of nature, meant it is as such effective. They did not mean that all men obey it. It is not like a Newtonian law of nature. We must see in what sense it is effective. But let us first finish this paragraph.

And not only minds but bodies as well are disordered by such appetites. We need only to look at the faces of men in a rage or under the influence of some passion or fear or beside themselves with extravagant joy: in every instance their features, voices, notions, attitudes undergo a change.

Now here he has said, although it is not the theme but only implied, why the law of nature is effective. If you do not obey reason, if you give free rein to your desires or fears, then you disobey the law of nature, and you undergo some form of punishment for that. What is that punishment here? How does it go?

(You get confused.)

That is very good. But Cicero uses a technical term—the passions or perturbations of the mind. Desire is all right, provided it obeys reason. But if the desire goes out of hand, then it becomes a passion, and that is to say a perturbation of the mind. And that is a state in which you are not in a good shape, and somehow you feel it. Our natural state, the state in which we are in order, is that in which the desires are controlled by reason. These are facts according to Cicero and not merely demands. Our happiness, our perfect order, depends on it. Now I will show you how this same subject comes in today, because theories cannot simply destroy this fundamental fact. And that is this. There is one part of social science, in the wider sense of the term, in which people still use these expressions, or almost these expressions. And that is psychology, and, more particularly, an appendix of psychology called psychopathology. No one even today can avoid the term health of the mind. You can take a very crude and medical view of it, and you can, and I believe you should, take a more sophisticated view of it. But for simplicity's sake, let us take the crudest view. An extreme form of the perturbations of the mind are what people call psychoses and neuroses. These people just do not feel well; they suffer terribly. Now what you see in these extreme cases, cases which approach insanity, is true in a milder way in the case of the passions. And therefore the Stoics, who were extremists, called the passions forms of insanity, madness, diseases of the soul. That may be an overstatement as they leave it, but still we can recognize something in it. Now as long as we cannot live and take our bearings in the world without a notion of the health of the mind, we mean, of course, that to be of healthy mind is good. This question doesn't arise. Perhaps it should arise. But somehow a certain instinct tells us, no matter what complicated reflections we might have to make, that in the end we would come up with the proposition—it is good to have a healthy mind. That is the simple background of the old doctrine. Only they were a bit more precise than the present-day people are. For example, to be healthy of the mind in the crudest sense—one could take the example of a very unscrupulous and most efficient business man, a man who would not need any medical treatment. You know, a man who earns so much money would regard himself as perfectly healthy. But a little experiment suffices to point out that this is not so. And we have some evidence for that. I read that when this big affair came up 1929 some of these extremely efficient men jumped out of the window. So they were unable on the basis of their "health of the mind" to stand a real crisis. And therefore these ancients would have said, he has only superficially a healthy mind. Because a truly healthy mind could stand any crisis without losing its health. That is virtue. That is the simplest access from what we all admit at the present time as to what Cicero has in mind. And this, fully articulated, is the doctrine of the virtues—the various forms in which such a healthy mind comes to sight. Because in dealing with property matters, and food, and dangers, and occupations in leisure time—in all of these various provinces of human activity, this healthy mind will show differences. What is a healthy mind if people sit together and talk without any object, practical object in view, is different than, say, if he is in a law court and must defend a defendant, and so on. So there follows a certain division, and these divisions differed greatly between Plato and Aristotle—Plato having four virtues and Aristotle having eleven. But that is really a secondary question. On the fundamental concept they agree. There is

another passage which we should consider in this context, and that is in paragraph 67 (page 69, middle)

All the glory and greatness and, I may add, all the usefulness of these two characteristics of courage are centred in the latter; the rational cause that makes men great, in the former. For it is the former that contains the element that makes soul pre-eminent and indifferent to the worldly fortune. And this quality is distinguished by two criteria: (1) if one account moral rectitude as the only good; and (2) if one be free from all passion. For we must agree that it takes a brave and heroic soul to hold as slight what most people think grand and glorious, and to disregard it from fixed and settled principles. And it requires strength of character and great singleness of purpose to bear what seems painful, as it comes to pass in many and various forms in human life, and to bear it so unflinchingly as not to be shaken in the least from one's natural state of the dignity of a philosopher.

Yes, that one would not leave the state of nature, nor to leave the dignity of a wise man. That is, in a way, the same, although that is not developed here. I am now concerned, however, with the expression "state of nature". The state of nature, in Cicero's meaning, and certainly Plato and Aristotle if they had used the term would have meant it in the same way, is the state in which men obey the law of nature, as previously defined. The state of nature is now that Hobbes meant by it—a pre-social state in which men does not yet obey nature. For Hobbes the state of nature is only the primitive state. That is not the case here. The state of nature is the state in which you live according to nature and in which you obey the law of nature, as previously defined. And the purest case is the control of the desires by reason. I don't deny that a person might occasionally give rein to passion and forget about reason and still be lucky—from the standpoint that nothing further happens. But that would only be a fortunate accident. For in itself it is destructive of the good state of man, the healthy state of man, of the state of nature. And what is implied in the brief remark at the end of paragraph 67 is this—that this health of mind, which we all wish to have, and without which we are surely either terribly miserable, subjectively, or else if we would not know, we might be subjectively happy but we would not judge of it. What I had in mind was that we might fall into a state of "moronism" in which we might be "happy"; but if we were to think of that we would be more afraid of that than of being dead. The moron is happy because he cannot judge. And that is a bestial state and not a human state. Now what Cicero implies here is this. If we take this notion of the health of the mind seriously, then it includes not only psychotic or neurotic or conditions or states of extreme and violent passion, but demands positively wisdom. Only the wise man would be fully healthy. He alone would be sufficiently armed against the crises, as I called them before, which are by no means limited to 1929. Every death near to someone is such a crisis. And quite a few men who are technically healthy cannot face such crises. In some cases they do not undergo them because they do not face them. That can also happen. If you regard this as an affair to be taken care of by the director of a funeral home and a slight inconvenience in the meantime, then of course you don't face what happened to you. It is a loss of humanity naturally—the inability to suffer in those

cases where every man facing what happened would suffer. To be healthy, so that one can face every crisis, if one may begin to articulate it in this fashion—that is what they meant by virtue. And if you state it in this way, you see also why there need not be an emphasis on obligation. For example, that you want to be healthy in body, and if you hurt yourself you would like that this illness, or accident, or defect cease—that you do independently of any sense of obligation. And, fundamentally, that is also the case with virtue. That it is primarily a lack, if you lack it, which makes you defective and which makes you suffer from that defect. And therefore you would like to have this lack supplied. And therefore there is the question, does one have to speak at all of obligation when speaking of virtue. It is not a question on the basis of the biblical teaching, obviously, but here it is a question. You wanted to say something?

(Inaudible.)

Were you in the seminar on the Laws last quarter?

(No.)

Well, there we discussed the same problem although in a different form as presented by Plato. Nous as distinguished from nomos, mind from law. They are not the same, although there is a certain kinship. But they are also different. If you do not see both the kinship and the difference, you make mistakes. Either by simply absolutizing the given nomos or by destroying the possibility of nomos.

(Would you say there is a correspondence between this and the modern notion that there is only one legitimate . . . inaudible . . .)

Yes, I believe so. That is a good point.

(Inaudible.)

What do you mean, it doesn't do him any good?

(That the idea of simply retiring from civil life would be impossible. One could not be a virtuous man in the full sense; you also have to act.)

Now that is a very sophisticated and very advanced question. We are now dealing really with the lowest stratum. Let me think about that a bit.

There are one or two things which I should make clear at this point. And the first is this. If we start from that crude notion—health of the mind—as it is presupposed in any psychiatric treatment, we must be clear on one thing. There was a man called Pascal, who lived with the notion that there are abysses, right here where he sits. Neurotic. Well, to which one might very well say, and I believe one must say, that while this may have been in the literal sense exaggerated, Pascal's was a much healthier mind than those who do not see abysses anywhere. Because he faced the crisis, whereas a kind of mental health which is based on the assumption that crisis do not happen, or that they will not happen to me, or this kind of thing, is of course a very superficial health. And the other point which I would make to you is this—regarding metaphysics. That is really a very difficult question and an important question. To what extent is what Cicero says here, or what Plato and Aristotle say, based on or deduced from a preceding metaphysics. I believe that the ambition of such men as Plato and Aristotle precisely was this—that what they thought, or what they spoke of, was an articulation and the best articulation of which they were capable, of what all men admit and see without seeing the implications. So I think it is necessary in their cases really to start from the very common phenomena, which we all know and which are as accessible to us as they were to them. Whereas, for example, such a doctrine like the Epicurean doctrine really is

deduced from a certain cosmology, which could not allow any other idea of good and bad except pleasant and painful. Plato and Aristotle are broader.

(There is some necessary link though, isn't there, between the broader metaphysical view and the moral view?)

I think Aristotle has shown this to perfection in his Ethics. The reference to his so-called metaphysical teaching are very few. And he begins by appealing to what well-brought-up men, men who have never had any theoretical studies, would understand. You can say that the superiority of their metaphysics follows from, or is shown by the fact, that it allows this breadth. You do not have to go through these various motives in order to understand their moral teaching.

(Their metaphysics isn't open to any moral teaching though, is it?) It is not open to any moral teaching which does not find its most direct reflection in what a gentleman regards as proper. Surely. That is clear. But they would say, in ordinary life whom do we regard as authorities. When there are such questions, who would we ask for advice? We would not ask graduates from Sing Sing, in the first place. Secondly, we would not ask people who are quite honest in a simple sense but who are not sophisticated in such questions, questions relating to the human problem. Now that man who is sophisticated and judges properly, that is what we mean by a gentleman. So the practical test of the truth of a moral teaching, from the point of view of Plato and Aristotle, would be that it reflects in every day life the gentleman. The Epicurean doctrine would not find its reflection in the gentleman. Now one final question.

(In considering the notion of obligation and of duty, do you mean to say that in writing this to his son he would say, well, this is fine and I want you to read this book carefully, and if you follow these rules you will be happy but that if you don't follow them your life will be thoroughly miserable, and so on, but that it is O.K. one way or the other.)

No, he would be a contemptible fellow.

(Yes, but it is still O.K. It's simply up to you.)

What is "O.K." here? Assuming, which could never happen to you, that a certain course of action which you propose to a friend, and he says, when you do that I will break off all relations with you and despise you for the rest of my days. That you are an incredible fellow, and that I never thought you would do that. If you would say in turn, oh, I don't care. That would not be your reaction. You would at least think twice.

(Yes, I would probably think a hundred times, but the point I am trying to make is, is there no conception in Cicero on this level of an obligation to be what your nature calls you to be.)

What is then the question? Obligation? And what is the difference? Must we have rewards and punishments in addition to the intrinsic goodness or badness of the act. That would be one part of the question. Then you have a clear distinction. Obligation is connected with reward and punishment. That is not what you mean.

(No.)

Then what is it? Is it the consideration that you do that which is right, not only because it is demanded by the dignity of man, as one could say, or the dignity of a wise man, or do you do it for the sake of the glory of God. That is theoretically distinguishable. Would

the obligation then come in from that reference to God?

(Why don't you let the obligation come in simply from a reference to human nature.)

Surely. But the question to which we are addressing ourselves now is whether it comes in in Cicero. That is the question. The practical meaning I believe is this--whether this notion of virtue, as I tried to sketch it here implies the necessity of something like pangs of conscience. From the point of view that I sketched that is not implied. Let us take a clever crook who is shrewd enough never to come into the clutches of the law. And there is really no crisis in his life. He goes through his life and he has been happy, at least not more unhappy than we all are. And perhaps no one will ever know he is a crook, so that he is a respected man, and so on. He may receive all kinds of public honors; that has happened. What do you say in such a case. He never for a moment had pangs of conscience. And he is unable to see anything wrong with himself, so he is satisfied with himself. I presume that there are such people. Still, one would say if a man of judgment could know him, he would despise him. You know, there is no intrinsic necessity that the low actions, the evil actions, will be punished. Does it necessarily follow that there will be a bad conscience?

(The question I would ask is whether the concept of punishment, self-punishment in one way or another, necessarily ties in with the notion of obligation. I would say essentially it is not.)

Then one can say the distinction between virtue, as I tried to describe it, and the moral obligation, as you understand it, has disappeared. I say this at this point without any further discussion. I have a hunch that there is a difference. Maybe we will find it out this quarter, and maybe we won't. So for the moment I am willing to accept your point. Still I would say it is remarkable that this term is not used. Officium means then the right action in the highest sense, which is not discussed in this book as such, and the appropriate action, the action appropriate to a non-wise man. At least the appropriate action as seen in the perspective of an imperfect man. That is all. There is no emphasis on obligations. But I have now to stop.

(End of lecture.)

We begin, then, a discussion of the first book of the Officiis. We have seen that Officiis as discussed by Cicero are appropriate acts. The officiis are not rules; they are appropriate acts. So if there are rules involved they would not be the officiis but rules regulating officiis. These appropriate acts are presented as acts according to nature. And, as Cicero also says, acts in compliance with the law of nature. Or acts which serve the purpose to preserve or bring about the state of nature. State of nature means, of course, here not what Hobbes meant by it, but it means the natural state of man, the orderly and proper state of man. And, in order to explain this expression, which is wholly alien to our habits of thinking today, I referred to the notion of health of the mind. A mind not perturbed, disturbed, on which we cannot depend. Now, of course, I also said we must not leave it at that crude, psychiatric view of a healthy mind, but that is to be understood in a deeper sense—a mind not disturbed and not disturbable by any crises, whatever they may be. And not merely a mind which is not disturbed only in very simple and accustomed circumstances. What I was driving at with these observations is that we can understand what Cicero here means, and that our own understanding, this practical way of understanding, is not fundamentally different—whatever the predominant theoretical notions may be.

Now, in order to make this a bit more clear and precise, we should consider some specific pieces of advice given by Cicero. How do they strike us? Are they wrong? Are they arbitrary? This, I believe, is the only sensible way in which one can discuss the so-called problem of value judgments. Not, as it were, to sit back and say—prove to me any value judgments, so that I can see that value judgments can be rational. That is not the way in which one can fruitfully discuss the question. One takes, for example, such a proposition of Cicero, or of any contemporary, for that matter, and sees whether these do not make sense, whether there is not reason in it. Now I first ask Mr. Jack, the reader of today's paper, but also others, did you find any suggestion of Cicero which you felt was unreasonable or at least not convincing. Or would you, if you had a son, give him the book and say that is a good book. If you follow Cicero's advice, you will always be a respectable fellow; in all cases.

(Inaudible.)

Yes, I had the same impression. But, of course, there may be other people . . .

(I know some people who would object to some things.)

Alright, what would they say?

(Some people here on campus would object to what he says about the manner in which a gentleman should conduct himself . . .)

These externals.

(Inaudible.)

So you see there is really food for thought here, if we begin to think about it. Does anyone else have anything? Perhaps we take up first this question of the tie, or tie-lessness. I believe that is discussed in par. 144-145. I read a discussion somewhere in a periodical about the views of beatniks about this problem. They are guided in tielessness by consideration of non-conformity, and now they have been growing beards. But beards have become a fashion in these circles. Someone suggested a half-beard—i.e. only on one side. This

would have the merit or novelty. Of course, this is at least a principle; in other words, to be conspicuous by deviation in one's dress. Then one would have to say, alright. This is wholly the opposite of Cicero, of course. But let us see whether this is a sensible proposition, or whether it is not more than childishness. One would have to go into that. But perhaps we read first what Cicero says (page 147, Loeb)

Such orderliness of conduct, is, therefore, to be observed, that everything in the conduct of our life shall balance and harmonize, as in a finished speech. For it is unbecoming and highly censurable, when upon a serious theme, to introduce such jests as are proper at a dinner, or any sort of loose talk. When Pericles was associated with the poet Sophocles as his colleague in command and they had met to confer about official business that concerned them both, a handsome boy chanced to pass and Sophocles said: "Look, Pericles; what a pretty boy!" How pertinent was Pericles's reply: "Hush, Sophocles, a general should keep not only his hands but his eyes under control." And yet, if Sophocles had made this same remark at a trial of athletes, he would have incurred no just reprimand. So great is the significance of both place and circumstance.

Place and time, yes.

For example, if anyone, while on a journey or on a walk, should rehearse to himself a case which he is preparing to conduct in court, or if he should under similar circumstances apply his closest thought to some other subject, he would not be open to censure: but if he should do that same thing at a dinner, he would be thought ill-bred, because he ignored the proprieties of the occasion. But the flagrant breaches of good breeding, like singing in the streets or any other gross misconduct, are easily apparent and do not call especially for admonition and instruction. But we must even more carefully avoid these seemingly trivial faults which pass unnoticed by the many. However slightly out of tune a harp or flute may be, the fault is still detected by a connoisseur; so we must be on the watch lest haply something in our life be out of tune—nay, rather, far greater is the need for painstaking, inasmuch as harmony of actions is far better and far more important than harmony of sounds.

Yes, I think this is a very clear statement of what some people call the conventional morality. That the harmony of our actions is indeed more important than any harmony of sound. And this harmony means the predominance of seriousness in the life of a serious man.

Meaning, jest only on the proper occasions. And this seriousness would also express itself in speech as well as in appearance. And orderly man would take care, if he can afford it, to be dressed in an orderly manner, and the other things. Naturally, that depends very much on fashion in detail. For example, we have now trousers and jackets. These did not exist at all times, but this is obviously a merely external difference. That does not effect the substance. Romans and Greeks were properly dressed and improperly dressed in their way as we are in our way. Now, how would you argue that out

with these people who argue against this kind of propriety. This must be considered. We cannot leave it merely at thinking people. With young people, children, you can see it is best to do it because "one does it". Or because it is the right thing to do. But we, the inmates of an academic institution, must also give some thought to these matters. How would you argue about this subject?

(Well, the first thing that would occur to me is regard for others . . .) That would apply to the man who at a meal, a common meal, a dinner, would not speak to anyone because he is too much preoccupied with his doctor's thesis. That is clear. That is unfriendly. That we see. What about more external things. I remember a discussion of this little subject of the bearing of beatniks today. This existed in other times, of course, especially in people who believed they were artists. They felt it was indispensable to be differently dressed. And one story by Thomas Mann, Tonio Kruger. Kruger is an artist, and then there is someone else who walks around with the most unusual things on. And then, Kruger says, in order to justify his conventional bearing—that people who have such an inner problem, an inner difficulty, such as an artist has, and who are so different in the decisive respect would not create an artificial, purely external difficulty, but would precisely in these matters not deviate from all the others too. In other words, there is an affectation involved. An attempt to show off what a peculiar being you are, which shows a great lack of genuine human pride. Because it must be supported by something which has nothing to do with that thing of which the man might be justly proud. In other words, these are not merely silly taboos. I mean, the particular things may be—whether you use a fork and knife is purely a present day habit. Many decent men in all ages have eaten without forks. That is not the question. Once it has become a custom, should one deviate from that. And what does this deviation bespeak. Does it not necessarily bespeak an affectation, attaching a much greater importance to insignificant things only in order to show off. And that is not worthy of a serious human being. That is, I think, what Cicero has in mind. And what he means by serious people, if he tried to articulate that clearly, of course, the word nature, the life according to nature would come up. We will come to that later. But for practical and ordinary understanding, we do not refer explicitly to nature. We use such terms as decent, or serious, or whatever it may be. But, according to Cicero as well as according to Aristotle or Plato, if we would theoretically articulate it, we would have to have recourse to the nature of man. To that I say we will turn later.

Now is there any other point you want to bring up regarding this particular problem. Needless to say, the differences of age plays a great role. A young boy of seventeen, who just breaks loose from parental supervision, is not (inaudible) on such matters to the degree a grown up man is. Therefore, we say also that he behaves like an adolescent. Certain things are easily overlooked in that age which are not so easily overlooked in someone who is beyond the age of the adolescent. That makes sense, because the transition from childhood to adulthood is inevitably by a deviation, especially in our society, by a deliberate deviation from what is usually. And that in itself is innocent. But also fitting only for a certain age. In other words, I think these are the principles on which we actually judge, to the extent to which we are sensible human beings, even today.

(Inaudible)

They are more articulate now, you believe?

(There is an attempt at a greater articulateness.)

But let us . . .

(I have a chance to let people know what I am.)

But, on the other hand, if a general or an admiral has certain special insignia by which he is recognized as a general or admiral, is this affectation. A man without any affectation would do that because it simply is necessary for that purpose to bring home to everyone the military hierarchy. And why could this not also be in political matters. We see it no longer today to the extent. But still, in some cases, e.g. judges, when they exercise the function of judges. They are recognizable as judges. There is no affectation in that. In certain societies it was customary to show these differences of order or rank. That has something to do with the superior character of that society. But I'm sure that it was as possible without any foolish pride or without any affectation as our democratic habits are for us. One could further say this. These classical writers were responsible for the reaction to feudalism, partly on that ground—a certain notion of republican simplicity—which played a very great role in Europe in the 18th century, and which was (inaudible) against a certain barbarism. I mean barbarism, just as rings through the noses are barbaric. That played a great role. The notion of republican simplicity is directed against the rule of such men, which does, of course, not mean democratic rule. Because Cicero, as we know, was not a democrat. But against say a particularly, or fundamentally, rural and warlike nobility, as the feudal aristocracy originally was.

(Inaudible.)

I do not know. Studies have been made by some people who are interested in that—about snobbism as a social phenomenon. That is a very recent phenomenon. And I believe the view which these people hold—I remember some studies of this kind which were made in Germany, that this was a kind of reaction partly to incipient democracy and partly also members of the lower classes who tried to outdo the apparent arrogance and impudence of the aristocracy by doing also quite arrogant things. All kinds of stories are told about that. That could very well be. I have heard, although I don't know whether that is true, that the word snobs comes from Oxford and Cambridge and originally it meant (a serious man told me that, although I don't know whether it is true) this. That on the entrance to Oxford and Cambridge, behind the names of commoners there was entered—S. NOB. Meaning, without nobility, a commoner. And that this was read snob, and then applied to the commoner. And that is at least a very interesting suggestion. I don't know whether it is true. And it shows how far this peculiar political and social situation affects that. But they (inaudible) not because they affect the principles of propriety but because they give rise to different kinds of vices. Because snobbism, is, I take it, a vice. I read once a very good definition of snobbism, which read that snobbism is the contemptible contempt for common things because they are common. I think that is a good definition. Merely for example, air is common. How absurd to condemn or to despise air because it is common. I mean, the mere desire for deviation. There are all kinds of examples. I remember from the life of Disraeli, when he was a young snob, and taking a trip through the Mediterranean, and when he came to Malta, he introduced something which had never been done before—namely, that you have to change your cane at 12 o'clock sharp. And it caught on. For a young fellow, I don't remember ex-

actly how young he was, such things can be quite amusing. But the question is only—beyond that age.

(Inaudible.)

Yes, orderliness and what he calls constancy. But constancy means not primarily what we now understand by that—constancy in grave troubles, and that sort of thing—but firmness and to be in agreement with one's self. How to be in agreement with one's self in such a way that one dedicates one's attention to this kind of deviation is not a true agreement with one's nature, but is rather is agreement on the basis of a silly whim.

(I wonder if someone might not disagree with Cicero's whole emphasis on harmony and order in a personality rather than . . . (inaudible . . .)

Well, how would you argue?

(How would one argue against Cicero?)

You, how would they argue?

(First, one might say that to live deeply it is necessary to emphasize first one and then another aspect of the personality. And, then, one might also say that to be truly expert in anything is a high virtue, and that expertise cannot be accomplished without . . .)

Without disharmony, with disturbing discord? Yes, but surely one would have to raise the question. . . To some extent Cicero would admit that; but the question is, expertise in what. I mean, for example, we need in a society of a certain size and a certain wealth tight-rope dancers. At least it is not an unreasonable demand that we have this kind of public entertainment. Now a tight-rope dancer is obviously a very one-sided human being. If he is to be a good tight-rope dancer, that is. And Cicero would have no objection to that, that some people become tight-rope dancers. But he would also say that that is an activity of a very low order. I am told that it requires very rare qualities, but we do not look up to such a man as a human being. We look up to him literally, but not as a human being.

(But someone might point to a great writer or a great scholar, a person who spends all his time in his favorite activity. For example, Rembrandt, or even someone who devotes all his time to politics.)

Cicero knows this very well, and he discusses it. We will come to that later. Cicero turns at this point to a consideration of one issue: which are those activities which a sensible man of good education, moral education, would choose. He knows that some people can't choose it because they are too poor. That is too bad for them. In this respect they were very tough. And then the question boils down to two possibilities: the political activity, and, say, the mental activity. Let us not make a distinction now between philosophers, scholars and artists. These are the two important classes. But what does this mean? Cicero says that the perfect solution to the problem would be to have a proper training in the things of the mind and then to devote one's self to political activities. That is what he drives at. And he would say that such a man is in no way one-sided, because, as Kipling phrases it—do you remember that, from "If"? Well, in England everyone knows that by heart. In England you cannot mention it without provoking a smile because they are already sick and tired of it. At one point it goes something

like this, "If you are a thinker, but not merely a thinker . . ." For example, in our age the impression a man like Churchill makes has very much to do with that. He can handle a sword as well as a pen. And we regard such a man as particularly complete. Churchill can even, as you know, lay bricks, and similar things. There is no question of a one-sidedness, and yet there are quite a few activities which he shunned throughout his life. He never was, for example, a tight-rope dancer and quite a few other things. Now, if you put it this way--One-sidedness in what are by nature the highest perfections of man is, of course, not one-sidedness. You know, it means the development of the faculties in the proper proportion. But the problem which you have in mind comes up in Cicero, although not explicitly, in the following way--the issue of the two ways of life, the practical or the theoretical way of life. This is exactly that. Because the man who is merely an artist, and dedicates himself absolutely to that, or to his thinking, and so they claimed in ancient times was that this seeming one-sidedness is in truth the complete man, because it involves completion in the most important respects. Therefore, this issue between the theoretical life and the practical life is the issue in Cicero, and in all classical writers. We will come to that. Mere expertness depends on what it means. If someone becomes a first rate expert in certain specialities, and very important provinces of his soul become completely arid by that, that is surely a deplorable specialization. But if someone specializes in what is most important to man as man, one cannot call him a specialist. For example, one does not speak of a great painter, or a great thinker, or a great novelist as a specialist, whereas we speak much more of specialists in our immediate surroundings. In academic life it is of course very hard to avoid becoming a mere specialist. We are today confronted with this problem either to be a swindler or to be an honest specialist. This is true. But that the situation is today of this nature, that we have these alternatives unless we make an unusually great effort, is part of a diagnosis of the defects of our society.

(Perhaps part of the problem is that in conceiving of the theoretical life, Cicero conceives only one perspective of the whole--what is important to man as man; whereas they would conceive of many perspectives. He conceives of the novelist, the social scientist, and so on.)

Yes, but the question is whether that is not deceptive. To begin with it is surely so. To begin with we have, in our present orientation, a variety of in themselves equally high human pursuits, none of which can be done properly unless a man dedicates himself to it entirely. And therefore everyone is a specialist. But the question is whether this analysis goes deep enough, whether we do not in fact recognize--not even one of us consciously, but only dimly--that there is not such a simple co-ordination of 'n' possibilities. Whether we do not in fact, given a moment's reflection, have the old dualism? Which, of course, raises the old question, and somehow we must try to answer it--the practical, political or the theoretical life. You know, we have now become so accustomed to regard the artist as something radically different from the other men dedicated to wisdom, because the one uses sentiment, and passion, and images, whereas in the other case, no sentiment, no passion and no images. Does this go deep enough? Perhaps there is something defective not only in our understanding of this so-called art, but even in modern art itself. That is a question.

If someone today would say that the absolutely dedicated specialist, a man who sacrifices everything, say a scientist, for example, that this is the best of which modern men are capable. How does this

look in practice? If someone dedicates his whole life to the study of a mole, for instance, or one special kind of worm, would he truly be a first-rate scientist? Would he not be compelled, sooner or later, to broaden his field of study if he is to be a really great scientist? I would assume that this is necessary. Some people can do that, surely. I think Sinclair Lewis' Dr. Arrowsmith is very interesting from this point of view. Here you have an impressive man, a dedicated man. But you cannot say that he is a mere scientist, because the dedication covers his whole life--his marriage, and whatever else comes in, is as much part of that man. And if this peculiar dedication is colored in this case, you know. Yet one would also have to look also at what he is doing. There is a kind of streamlined, first-rate mind here . . . (inaudible) . . . and that is surely a defect. One would have to go into these matters in a more concrete way. And while it is absolutely necessary to start from the first impression--'n' possibilities--one has to see whether that first appearance is true and whether that first appearance is not perhaps due to a democracy in the wrong place. If you think this through, then you would really get an equality of all pursuits. I have heard this said by a leading liberal in this country--that the pursuit of the garbage collector is as suitable for fulfilling a man as, say, that of an artist. That is, of course, in a way democratic--every profession is equal like everyone else. But whether that is not nonsense if you look for a moment at what the two men do is another matter.

(In the matter of artists it is interesting to note that today there is the belief that the greatness of artists somehow allows them to disregard the common standards of morality. . . (inaudible) . . . and they are not only excused but even commended in the sense that they are following something higher, some higher way of life . . . (inaudible) . . . Wagner . . .)

I do not believe that Wagner was particularly committed. On the political level he did certain discreditable things, but either Mrs. Luce or Senator Morse, whichever of the two is right, might also have done that.

(Inaudible.)

Well, Byron I believe would be a good example. Byron must have been a real pest as a human being. I know this only from a book on Melbourne, whose wife he seduced. It was described there and there is nothing glorious about it. It may have appeared glorious to Byron's imagination, but it does not appear so to the biographer, who is not a particular stickler for Puritan morality. But may I suggest that we postpone this discussion. Not because I wish to avoid it, but because it is discussed by Cicero himself. This is a problem which appears at the horizon of this book. You must not forget that this is a book written for a boy, Cicero's son, and for what it is good to teach a boy. A sensible father, even of a gifted artist, would not give him such advice. He will expect that he would find out, even if the advice were good. If he is a genius he will find out for himself what is becoming to a genius. So there is no necessity for this kind of explanation.

(I can think if an objection I heard raised in regard to Polonius' speech to Laertes in Hamlet, namely, that this is good advice but that it is not really useful for the challenge of life.

It sounds good, but it really won't do.)
Well, one would have to go into the meaning of the whole play, but you must admit that what Polonius says is very sensible. If I had to send out a son I would also say "No borrower nor lender be" and other advice of this kind.

(Inaudible.)

Well, because Cicero said it a bit . . . Well, let us look at how many pages there are. There are about two hundred pages; that is more detailed than this little one page speech or less than one page speech in Hamlet. But why did Shakespeare entrust this wise advice to such a fool? That is the question. Would it not be the

question? Do you believe that Shakespeare would have for one moment suggested that we should be borrowers and lenders? He was a very thrifty man as far as we know, and I suppose neither borrowed nor loaned in a foolish manner, and the other things too. Indeed it is not sufficient, for if you take someone who does all these things, then he will not get in trouble with the police, with creditors, or whatever it may be, but he can still be a very poor fish. There must be some higher contents, which is absent, and this is of course brought out in Polonius' complete unawareness of what a shocking master he serves. I mean he would understand that one must be a loyal servant to one's king and queen. If he would merely act on that one could say he is a respectable minister. But the complete blindness to the character of the ruler shows that he is an extremely stupid minister.

(I didn't mean to raise that point, but rather wanted to use the example of that criticism . . .)

But is it really universally true that such wise advice, such as "neither borrower nor lender be" is always effective? Is this really the case.

(I would doubt it.)

I know from my own experience that when someone quotes me something of this kind that this was sometimes very helpful. I admit that you learn the foolishness of borrowing and lending much more easily by borrowing and lending. Then you see. It is extremely impractical when the chickens come home to roost. That is true. But is the point this--that advice, exhortation is as such ineffective? Is that the point?

(Inaudible . . . and perhaps at a superficial reading that is all that Cicero deals with. I don't think that myself.)

That is surely not true, because Cicero raises much higher questions than that. For example, what he discusses against Plato: Is it sufficient for being just that one never hurts anybody. Must one not also, in order to be just, help? That is a much broader question, especially if you think that a man like Plato thought it worthwhile to assert this. Therefore there is a whole background of the (inaudible). No, I think that that would surely not apply to this.

Today I believe that in this respect we are all corrupted, with the exception of Father Duckley. To read a good novel, a good story, is infinitely more entertaining, exciting, stimulating than to read such a book like the Offices. That is true. And we seem to learn much more about man from a good novel or from a good drama, for that matter, than from such a book. That is true. But still, would not the novel and the drama, if they are of high order, be distinguished from such a book only by bringing out much more forcefully than it is possible in such exhortations what man is and what the perfection of man is.

I remember this from when I was younger very well. In my generation such books were not read, except in school, and that means of course that it was a matter of Latin grammar and not of other things. And I remember that when I began to read Cicero for the first time I was quite impressed. But you see also, by the way, very clearly that Cicero's Offices is not comparable as a book to Aristotle's Ethics. Now to read Aristotle's Ethics, the description of the various virtues and so on, is I think a very educating thing, although you can say that you do not learn very much for your action immediately. But that which guides our ac-

tion becomes much more articulate, and this is important too. I must confess that to read the Nicomachean Ethics is a very great joy, much greater than to read the Offices. But still I think it is also good to consider the latter.

When he discusses, for example, the question what profession one would choose in concrete terms. That one has to consider in the first place one's own nature. Is one fit for that or not. First of all, is it not true? And then, must it not also be said? I believe this happens even today, in an age of the enlightened reason of a young generation. Parents sometimes try to push a child, not gifted at all, in a certain direction. This happens. And in such cases there are all kinds of so-called tragedies. And sometimes a reasonable man or woman enters the scene, and asks why they do that. He just is not gifted for becoming a lawyer; let him become a musician, if this is what he wants. Now if this is empirically true--that sometimes a sober word by another individual has helped both the parents and the child, I do not see why this could not also be done by a dead man, by a man who has written books which are relevant to these things.

To say it is trivial can also be a kind . . . Perhaps it is trivial for most of us. But it is not trivial for all men as is shown by the fact that these things are constantly disregarded in practice. Shakespeare must have had his reasons, surely, for ridiculing the mere advisor in the figure of Polonius. I think we will give this some thought on another occasion. To do it here would really mean that we would have to understand the whole context.

Now I think the next subject we should take up is the question of liberal and illiberal professions, which is in paragraph 150-152. We don't have to read the whole. It is best to begin with paragraph 151.

But the professions in which either a higher degree of intelligence is required or from which no small benefit to society is derived--medicine and architecture, for example, and teaching--these are proper for those whose social position they become. Trade, if it is on a small scale, is to be considered vulgar; but if wholesale and on a large scale, importing large quantities from all parts of the world and distributing to many without misrepresentation, it is not to be greatly disparaged. Nay, it even seems to deserve the highest respect, if those who are engaged in it, satiated, or rather, I should say, satisfied with the fortunes they have made, make their way from the port to a country estate, as they have often made it from the sea into port. But of all the occupations by which gain is secured, none is better than agriculture, none more profitable, none more delightful, none more becoming to a freeman.

You can say that Cicero states here, with a slightly greater toleration for wholesale trade, what Plato and Aristotle and the others had said before. And exactly the same statements could have been written, of course, by a British gentleman a very short time ago. You know, this practice of going over from trade into landed property. This was still very powerful. To begin with you can say that it is a mere prejudice of a society in which the squires, the rural nobility, were predominant. That would probably be the first

reaction today. But one must see again whether that is sufficient. The premise of this whole argument about the liberal and illiberal arts is that there is such a thing as dirty work. I am thinking not now of criminal activity. That goes without saying. But certain things are simply dirty. And to do nothing but these things is bound to have an effect, if not necessarily on the character in the narrow sense of the term, then at least the taste of a man. Therefore, there are certain activities which are not conducive to a man's highest development. Now we see this differently today, and that is partly due, and decisively due, to technological process. Many of these professions are no longer as dirty as they were. For example, take a butcher, and the habitual killing of animals. That was not regarded as conducive to tenderness. Still, butchers are needed, unless we would say that these are sufficient grounds for all of us being vegetarians. Therefore, butchers are needed, but if you can help it you shouldn't be a butcher. We must never forget that these problems, which appear now differently by virtue of the progress of technology, must not obscure the whole picture. We have also to see the whole picture. What about this situation, the social situation, and therefore the situation for individuals created by technology--the famous difficulties of the leisure hours, the gadgets, and the gadgetism and so on. But, surely, immediately and at first glance, these problems look today entirely different. There is no question about that. But we cannot leave it at the first appearance; we have to go to principles. And the principle is this; must not the majority of men, by virtue of the fundamental scarcity, dedicate themselves to work which does not allow a development of the mind. That was the premise of all earlier thought. And all these idiotic books accusing Plato and Aristotle and God knows whom of fascism simply do not know this very trivial and obvious fact--that with the best will in the world no sensible man could have demanded a democracy in our sense of the term, because there was not enough to go around. Aristotle discussed this problem briefly and, of course, in a way ignorantly because he did not know the modern world, in the first book of the Politics, when he speaks of slavery and says, well, if we had a push-button society, so that things would move by themselves, and no one would have to bring them into me--logs of wood which I need for the fire, or whatever it may be--then there would be no slaves, no need for any servants. Surely. Aristotle regards it as preposterous because he did not know of certain technical developments which happened later. Then it would follow from Aristotle's discussion, given a certain degree of push-button technology, there is no longer any need for having a class of men, the majority of men, doing menial work of one kind or another. That, I think, is the substantive meaning of modern democracy--not merely the equal vote. But then the question arises, is this in itself an unqualified blessing. Does it not bring problems of its own, which have something to do with the fact that modern technology, to use a phrase of Marx--by pushing back the nature limit, i.e. the limit imposed by nature--does not bring about a more unnatural life. And this would show again that one has to have a recourse to the concept of nature.

(Inaudible . . . very often you meet people who are performing very menial tasks who have a very great dignity . . .)

Yes, sure.

(because they appreciate the kind of work they are doing. Not that they think it is the greatest labor on earth, but they do realize it does have a small part to play in human society;

it does contribute something. They acknowledge their limitations, and actually grow and develop their human character.)

I think if one speaks simply empirically or phenomenologically, without going into the deeper questions, what distinguishes us, present-day men, most obviously on the moral level, on the level of our moral feelings, from the ancients is our ability to see the moral dignity of which simple men are capable. And that is, I believe, the peculiar character of Kant's ethic. Kant was the first great philosopher, who, in his capacity as philosopher, tried to spell that out. That was in a way his most personal moral experience--the genuine respect he felt for very simple people, of whom he had the impression that they are much more decent men than he is. And I think we all understand that. I will not go into the question of how this great theoretical attempt to spell this out is really the substance of Kant's ethic. How this does not lead Kant himself into certain difficulties, you know, because you cannot leave it at that. You have to take into consideration the substance of the doctrine. Let us take a very simple consideration. Let us take a very honest man, a very honest, poor man. Married, children, one room. The problems created by the fact that they have only one room. You know? I don't have to labor that point. Now children exposed to such things are not the same as children not exposed to that. Psychoanalysis today would underline this, saying that it is crucial. I wouldn't say it is crucial but I would say it is of some importance. Now children molded by such experiences are less well off morally than children who are not exposed to such things. That has nothing to do with the goodness of the intentions. Now enlarge that. Now the ancients thought of it more in this way, especially those who wrote in Athens, where there was a fairly strict rule regarding the conduct of women. In Sparta it was different. In Rome also the woman has a somewhat higher position than in Athens. Now a poor man, his wife must work too. Think of a simple peasant woman. They are in public. We today are not aware of this, of course, because this kind of equality of the sexes is taken for granted. We no longer think about it. And the children must work much earlier. That is also different today. Whereas children of, not rich people, but people of a certain equipment, as Aristotle calls it, there is not this exposedness of the weaker part of the family, of the wife and the children, to the public. And there is, of course, a heavier degree of supervision because the ancients were very realistic. Without supervision the weaker part of the human race is not so good as not supervised. These points have to be considered for a full view. And in Kant, I would say, there is an extremeness--where only the intention and honesty is seen, and the whole realm of circumstances, with their inevitable reaction on the soul, are not properly accounted for. We have discussed this in an earlier seminar on Kant. This is the question. And I think the most foolish thing we can do as citizens of a democracy is simply to say that these benighted fascists--there are books of this kind, even though it is absolute nonsense--did not have certain opportunities which now exist by virtue of an infinitely greater wealth available. While we should welcome all the good things that come from this greater wealth, we must also not be blind to the problems created by this greater wealth, and to the character of that wealth. This is the point why it is necessary to study that. And even this distinction between higher and lower Professions, I believe, is of some importance even today. Take a case, although it is somewhat delicate to mention,

of the status of actors and actresses . . . (End of tape)

(Some missing due to change of tape side)

. . . but also by what they read about Elisabeth Taylor, and this kind of thing. Is this not a real problem. Was there not a certain truth in the older view that acting, while providing a tolerable entertainment, is not as a profession too highly esteemed. And is not the present esteem misplaced? Well, this is itself a consequence of the enormous income of these people, which enables them to live as they like, and so on. I believe these are the kinds of questions one must raise. And they are bound to have a great social effect--these changes. The present day view, including social science methodology, simply prevents one from giving a diagnosis of the defects of present day society. I mean social science methodology by the simple reason that vague judgments as such are subjective. Therefore they have nothing to do with science proper. But apart from that there is simply an insufficient understanding of other forms of human life or, to speak empirically, of older forms of life, of which we have some record.

I think we should now turn to the larger problem, to which I have referred more than once. And that is--is what Cicero says in the Offices the last word from Cicero's own point of view on this subject? Now we have discussed briefly last time the term used, officium, which is mostly used in this book as a translation of the Greek term kathekon (?), the appropriate; the Greek term means that which is proper. There is another Greek term, (?) which means that which is right. In other words, to make it clearer, the officium, duty as here understood, is what is proper and possible for a non-wise man. But there are other rules which belong to the wise as wise. The chief passage is in the third book of De Finibus, par 58-59. Cicero, writing to his young son, takes this popular morality. But what is the morality of the wise man? More precisely, what does it mean truly to follow nature? The moral man as described here is perhaps not simply the man who follows nature. Now let us turn to a few passages in which this is discussed.

The first is in paragraph 126, of the Offices. Incidentally, do you have De Finibus with you? Well, I don't have it here, but the sentence I have in mind is that in which the proofreader committed the crucial word--where he says that the morality of the wise requires that a just rendering of the deposit be rendered, whereas the appropriate duty in the common sense is to render any deposit. So that this reflection, just deposit or not, is not considered. You have a crude rule of thumb, which is defensible as a rule of thumb but is not more than that. A wise man, if he could follow wisdom, would take into consideration whether what is deposited is justly deposited. And in the last analysis, never let us forget that, what does this mean? Justly deposited--meaning it must at least be the just property of the depositor. It must be his property. But can you leave it at that--according to the strict view of wisdom? What is property--true property--property according to nature? Only that can be truly the property of a man what he can use well. And that means, of course, that the whole notion of private property in the legal sense of the term,

and there is no other sense than the legal, loses its basis. This is in the background. Now let us see how Cicero faces this problem in this popular book (page 129, third paragraph). But let us instead begin at the beginning of paragraph 126.

but the propriety to which I refer shows itself also in every deed, in every word, even in every movement and attitude of the body. And in outward, visible propriety there are three elements--beauty, tact, and taste; these conceptions are difficult to express in words, but it will be enough for my purpose if they are understood. In these three elements is included also our concern for the good opinion of those with whom and amongst whom we live. For these reasons I should like to say a few words about this kind of propriety also. First of all, Nature seems to have had a wonderful plan in the construction of our bodies. Our face and our figure generally, in so far as it has a comely appearance, she has placed in sight; but the parts of the body that are given us only to serve the needs of nature and that would present an unsightly and unpleasant appearance she has covered up and concealed from view. Man's modesty has followed this careful contrivance of Nature's; all right-minded people keep out of sight what Nature has hidden and take pains to respond to nature's demands as privately as possible; and in the case of those parts of the body which only serve nature's needs, neither the parts nor the functions are called by their real names. To perform these functions--if only it be done in private--is nothing immoral; but to speak of them is indecent. And so neither public performance of those acts nor vulgar mention of them is free from indecency.

You have here, I believe, a much clearer example where the theoretical criticism, not only in our time but in classical antiquity, would come in. Is there not a certain difficulty here? Nature didn't give us clothes. That is clear. Cicero disposes of that by saying that modesty or sense of shame has imitated what nature has begun by way of the structure of the human body. The most visible is the face, and so on. Now there is obviously a very great difference between the sexual organs and the organs, I do not know what the English word for that is, but say, the part of the body on which we sit. That is surely not improper. But the sexual organs are improper. Now what about the whole problem of nudism. And much more than that comes up. Now here it would seem that what people call convention plays a role. If it plays any concrete role it comes really in here. The question of nakedness, which played such a great role, you remember, at the beginning of Genesis. Really a crucial problem, a crucial moral problem. Although it is practically not important to most of us because we are not members of nudist colonies and have no intention of joining them. But still, theoretically it is a very great problem. Why is the covering of nakedness according to nature? Nature itself does not cover our nakedness. Why is this according to nature? Cicero contends that this is so. In other words, it is not a mere convenience of some sort, but rather there is something which is above considerations of convenience, of calculation. You see, that is a simpler case, and a clearer case, than, say, prohibition against theft or murder. But lest you think that this is a problem which has arisen only in modern

times, let us read the next paragraph.

But we should give no heed to the Cynics (or to some Stoics who are practically Cynics) who censure and ridicule us for holding that the mere mention of some actions that are not immoral is shameful, while other things that are immoral we call by their real names. Robbery, fraud, and adultery, for example, are immoral in deed, but it is not indecent to name them. To begot children in wedlock is in deed morally right; to speak of it is indecent. And they assail modesty with a great many other arguments to the same purport. But as for us, let us follow nature and shun everything that is offensive to our eyes or our ears. So, in standing or walking, in sitting or reclining, in our expression, our eyes, or the movements of our hands, let us preserve what we have called "propriety."

Now the Cynics are mentioned. Cynics didn't mean originally what it means now. I suppose today it means a disappointed idealist, or something of this sort. Originally it meant those who live according to nature, i.e. with the same abandon as dogs lived. Truly natural, and, therefore, to make an understatement for those who have ever taken the time to read the stories of Diogenes Laertius. For instance, public urination is of course the right thing to do. Dogs do it. The examples go much beyond that, and they are really obscene. And you see that there was a certain connection between the Cynics and the Stoics. That is very important, because the Stoic conception of the wise man, in the strict sense, the man who follows nature and exclusively nature, is not, as he is presented in many textbooks, simply a decent citizen and that is that. He transcends the citizens way of life in every respect.

Let us look at another passage which throws some light on that, paragraph 148 (page 151).

But no rules need to be given about what is done in accordance with the established customs and conventions of a community; for these are in themselves rules; and no one ought to make the mistake of supposing that, because Socrates or Aristippus did or said something contrary to the manners and established customs of their city, he has a right to do the same; it was only by reason of their great and superhuman virtues that those famous men acquired this special privilege.

This license, licentiam.

But the Cynics' whole system of philosophy must be rejected, for it is inimical to moral sensibility, and without moral sensibility nothing can be upright, nothing morally good.

You see, Father Buckley, here your question of the artist and genius is mentioned. Cicero, of course, doesn't think of artists, but rather of philosophers, because they were so much more important in his opinion than artists. You know Aristippus was not, how shall I say it, a particularly respectable man. He was the founder of a hedonistic school, a direct pupil of Socrates. But Socrates himself is mentioned here. Socrates was not a perfectly conventional man, and yet Socrates can be excused for that. Even Aristippus can be excused for that. But young Cicero, what is permitted for Jupiter is not permitted for an ox. And you will very well be-

have properly. But to come back to the original point. Cicero takes here into consideration a philosophic school and a whole philosophic view, a view not limited to the Cynics, although the Cynics stated it most cynically and brutally, a view which is wholly in disagreement with the conduct of all civilized peoples. You know, in 18th century France when they spoke of civilized people, the primary criterion was whether they were dressed or not. The others were the savages. That was extremely simple. Although even savages had some clothing.

We must keep this in mind. There is this problem of nature here involved. Is not a life according to nature really one which would be as unashamed as that of a dog or any other brute. Is not shame something which is not founded on nature? That was the view of the Cynics and apparently also of the early Stoics. So that it would come in as a kind of necessity for non-wise people, for the majority of man. The wise man would pay respect to it, because he is a sensible man, but he would not really believe in it. So what Cicero implies somehow is that these things, these considerations of shame, are according to nature. He doesn't develop this. We would have to reconstruct it. Is it not true that Nature makes it . . . In one sense, surely, it is true--that we have a natural distaste for everything excreted by the body, be it even sweat. It is something of which we have to get rid for the sake of our health, and therefore, to that extent, it is simply natural. But the other question concerns the sexual organs. Because that is obviously a different story. The sexual organs are in the service of life, of procreation, of the preservation of the species--and this cannot be compared with the organs of excretion, as such, although there is a certain overlapping here which is not wholly irrelevant. Therefore, one must really give it some thought. We cannot do that now, but I think one really has to go into that, and not to leave it at these simplicities of psychoanalysis--which in this respect is really cynical, in the old sense. Simply seen in the sense of mere repression. Whereas from Cicero's point of view these are not mere repressions. To the extent that repression is implied, that repression is guided by a positive rule.

(Is not his whole argument based on a conception of nature as (inaudible) . . . even more than that life according to nature is life according to reason.)

Alright, you only restate the problem. Where does reason come in in regard to shame? That would be the question.

(Might not shame be the rules of thumb by which the average man . . . (inaudible) . . .)

That would be the view of an intelligent Cynic. By an intelligent Cynic I mean a man who would not believe in these things, but he would not be so foolish as Diogenes simply to act on it and to create all the time public scandals. So that his motives would not be to be a witness to the truth but rather to be in the limelight. That is true. But the question is that Cicero, Plato and Aristotle would not agree with that. And the question is whether this is enough.

(On that same line, the central part of his whole position, I believe, is that the tendencies of man all achieve, if they are followed, purposes that nature has. Shame is a tendency, just like anything else. The tendency to keep one's self covered, for example, is a natural tendency for which there is a natural purpose. And that this was put into man just like his hands

and eyes and ears. To achieve the purpose that nature intended, namely, the proper propagation of the race.)

One can also state it by starting from the end, I mean from present day thought. If you take the psychoanalytical notion--repressions of various kinds. But these repressions are not altogether bad, even according to psychoanalysis. They lead to something which they call sublimation. But the question is whether the higher life of man is properly understood if it is understood in terms of sublimation. Because sublimation surely means that it is something derivative. And the question is, is man not by his very constitution, and not derivatively, fixed and in need therefore for this higher life. So that any so-called repression is truly in the service of the natural need which nature itself cannot fulfill. Nature cannot, as such, supply us with clothes. But in doing so we do not act against nature, but we do something which nature itself requires and is unable to perform without human art. That is what I think Cicero means here. One could of course easily elaborate it. The simplest thing to do is to make an experiment, not in deeds but in one's thought, as to how this would affect our living together if we were all naked and all the time. And then one would easily see that this would have unbearable consequences. And not only unbearable in respect to mere feelings, which in themselves might have been convention bred, but would be truly incompatible with the best in us.

(I thought Father Buckley made an interesting point. Isn't there in Cicero a theory that all natural benefits originally stem from natural instincts . . . (inaudible) . . .)

Prima natura is the term which he uses, the first things of nature.

(And somehow these are embodied in seeds. I think this appears in both the Laws and De Finibus.)

Yes, that would be this prima natura. Seed is, of course, a metaphorical expression. One could also call this the natural inclination.

(Then they are according to nature in one sense because man's nature requires them; they are according to the natural inclinations.)

So that, for example, the sense of shame would be something like a natural instinct? Is that what you are driving at?

(Yes. In other words, it wouldn't be something merely instilled, as is the case according to the intelligent Cynic.)

Well, they denied that. They said that the truly superior man, the wise man, could and would as such live a perfect nudist. If they were sensible, of course, no controversy would arise on this minor point. But this would be a mere concession they would make to the habits of the many. This may very well have been the view of the early Stoics as well. That is hard to say because we have only fragments of them. But we know that there was a connection between them and the Cynics. That we know. But it is surely not the view of Cicero or Plato and Aristotle.

(Could you say what, if anything, in Aristotle corresponds to the seeds, or to these natural instincts.)

Surely there is such an impulse towards man's perfection. This thought is not so developed by Aristotle, at least in his preserved writings, as it is in Cicero. But in principle it is there. And in Plato the whole doctrine of eros means this of course. There are in men natural desires toward these ends--the preservation of the species, and, therefore, sociability, generally, and especially toward the life of the mind. So the ends are given, and the tendency toward them is in man, according to Cicero's teaching in all these cases.

The example which we are discussing now is particularly interesting, because that is a concrete, clear case. Some people who accepted, somehow, the notion of natural ends, as the Cynics did, denied that this has anything to do with that.

(Then if you want to grant that there are impulses toward natural perfection, this is one thing, but it is quite different from saying that there is an impulse to wear clothes. Or, to put it in other terms, you might have an impulse to shame, but to say that such and such is an object of shame is another story entirely.)

Sure. The question would therefore be this. That would mean that the sense of shame that we have is due to early education?

(I don't know.)

Even then the question would arise, even granting that this is so--that we have this sense because we have been trained in that, educated in that, and not only us but all over the globe. This may show that this is not a mere peculiar convention of a certain human tribe. The question would be, even if there is no natural instinct, whether this universal convention, as one could provisionally state it, is not then based on a calculation, or a deliberation which is common to all men. And based on simply thinking through the human situation as it would arise on the basis of universal nakedness, habitual nakedness. That would, for practical purposes, be no different of course. Theoretically it would make a difference. Do you see that.

As to the question of ends and the natural inclinations, there is an interesting discussion of Cicero's De Finibus, if I remember correctly, of Books III and IV, in Gilson's book The Spirit of Medieval Philosophy. He feels that Cicero, or the Stoics, committed a fundamental blunder; Gilson believes that he is able to show it. The person giving the paper on those books might take that into consideration. But this I mention only in passing.

I hope that this example and the others that we have discussed today have made the subject a bit more precise and a bit more concrete. Now there is another point which I would like to take up. That has something to do with the history of moral terms. If you turn to paragraph 20, (page 21 bottom):

Of the three remaining divisions

Meaning the three remaining virtues, i.e. virtues apart from prudence or wisdom. Continue.

the most extensive in its application is the principle by which society and what we may call its "common bonds" are maintained. Of this again there are two divisions-- justice, in which is the crowning glory of the virtues and on the basis of which men are called "good men"; and, close akin to justice, charity, which may also be called kindness or generosity.

Let us stop here. You see here Cicero makes a remark as to the meaning of goodness, at least the expression good man. The word "vir" is of course not human beings but male men. It is necessary to say this in English. In Latin, as well as in Greek or German, you have different words for human being and for a male human being. In English you do not have it. So a good man is a just man. When we speak of a good man we do not mean by this term a wise man. The latter is already a certain philosophic enlargement of the term. By a good man we mean a just man. That is by no means so in Aristotle, this usage of the word. Now

there are two parallels to that which I have observed. At the beginning of paragraph 31 (page 31, bottom):

But occasions often arise, when those duties which seem most becoming to the just man and to the "good man," as we call him,

And to him whom we call the good man. Now turn to paragraph 46, end, (page 51, top); well, let us read the whole of paragraph 46 (page 49, bottom):

Now, the men we live with are not perfect and ideally wise, but men who do very well, if there be found in them but the semblance of virtue. I therefore think that this is to be taken for granted, that no one should be entirely neglected who shows any trace of virtue; but the more a man is endowed with these finer virtues--temperance, self-control, and that very justice about which so much has already been said--the more he deserves to be favoured. I do not mention fortitude, for a courageous spirit in a man who has not attained perfection and ideal wisdom is generally too impetuous; it is those other virtues that seem more particularly to mark the good man.

So what is, then, a good man according to this fuller statement, at the end of paragraph 46?

(Moderate and just.)

A moderate and just man. I do not remember any such statement in Aristotle. This does not mean that it was not used. This is a most striking usage. And I believe that is of some help for understanding Machiavelli. Machiavelli makes the distinction between goodness and virtue. And what virtue is becomes reasonably clear as you follow the book and look at the examples. But the meaning of goodness is never made clear by Machiavelli. I speculated a bit in my study of Machiavelli (those who are interested may find it on page 234). What he really has in mind, and what I should have quoted in this connection, is this Ciceronian statement. The temperate and just man--not as such characterized by fortitude, nor by wisdom. That is the primary meaning with which Machiavelli starts, and his whole criticism is directed against these men. It is in this Ciceronian passage, where this distinction between the strong and great mind and the good man is made; that could be said to be an unintentional formulation of Machiavelli's problem, namely, what is the status of these good men? How are they possible? Must there possibility not be created by most courageous men, the founders of societies, who are very far from being temperate and just. That is, of course, not Cicero; that is Machiavelli's point of view. But from the standpoint of the terminology I believe that is an important passage.

There are many more subjects which come up in this section, in this particular book. As one of them I mention the problem of universal society. Do you remember what he says about that. (Before we go into that, could I raise a question in regard to this earlier problem. A number of us have noticed that Cicero uses the word *honestum* and also the word *virtus*. Now what is the difference between them.)

Virtus is derived from the word *virum*, and therefore *virtus* means in itself manliness. But by Cicero's time and in Cicero's usage *virtus* simply means what we traditionally mean by virtue, the excellence of man, and especially the moral excellence of man. Now *honestum* is the Latin word for the Greek word *kalon*, but not *kalon* in the sense of the beautiful, but rather in the sense of the fair or noble, the honorable. Today when we speak in English of honest, and not only today but even in Hobbes' time, honest

no longer means honorable. I have forgotten now the precise formulation of Hobbes. I have quoted it somewhere. In Hobbes' time honest and honorable were used along class lines: the honorable for the gentleman, the honest for the non-gentleman. Just as we say an honest blacksmith, whereas a knight would be called honorable. Now in Cicero this distinction does not exist; honestum is the honorable--the fair, the resplendent, and so on. In Greek usage, in classical usage what we call moral today would have to be called the right and just and the Noble. The distinction is not unimportant, because what we mean by duty today, in ordinary meaning, is the right or just. The noble is something more resplendent than that to which we are, strictly speaking, obliged. As we say, above and beyond the call of duty. But not limited to the call of duty. And that is the noble. The reasons for this distinction are very important. For example, the most important example, which we discussed last quarter when we read the Laws. To undergo punishment, if you have committed a crime is just, but it cannot under any circumstances be called noble. No one is admired for undergoing punishment. Or if you pay your debts, you are just. But you cannot possibly be called noble for that. You merely do your duty. The fact that the Greeks have this distinction is not merely an accident of the Greek language. When Plato discusses the whole problem of punishment in the Laws he refers to that difficulty because that seems to show that, whereas according to a simple view everything just is noble and everything noble is just, the case of punishment clearly shows that this is not simply true. Because, to repeat, when you undergo just punishment, you act justly but not nobly. And Plato, starting from this, develops a very heterodox doctrine of punishment. By which he is trying to show a noble notion of punishment. Namely, this way. That undergoing punishment means to be improved. Now this is of course something noble. Think if you rise out of the mire of ignorance toward wisdom, that would be noble. But that has very little to do with what we understand by punishment, and in particular punitive institutions, which do not strike us as so much devoted to the elevation of man. So, I would take Cicero's use of honestum to mean fundamentally honorable. Honest would be too narrow. Dishonesty has something to do with deception, and lying, and calling a man who murdered another man dishonest. Whereas of a fraud or liar, you would say he is dishonest. Honesty, in other words, now has a very narrow meaning. It has a broader meaning for Cicero, and I would translate it by noble or honorable. And since virtue is the habit of doing only honorable things, virtue and honestum are inseparable.

(Where does this leave virtue?)

Virtue is a habit of doing only honesta, only honorable things. That is the relation. If Cicero had wanted to coin a new word, and I do not know whether it was new at that time, he could also have said virtuosus. But I am sure that if this existed, and I do not know that it did (a glance at the dictionary would settle that), it probably had a different meaning. You know, traditionally a virtuosus is a man who has a very special virtue, say that of a piano player of whatever it may be. It does not have the meaning of virtue in the strict sense.

(Inaudible.)

Sure, that is even in Aristotle; the difference between the honestum and the useful. And what is the difference? That you know. What is it?

(The honestum is loved for the sake of itself, and not for the sake of its usefulness.)

Its usefulness. For example, a chair. It is regarded as good only with a view to something else. But a noble action is esteemed for

its own sake.

(Could you spell out the relationship between the wise and the noble.)

That is a long question. He would have to study the passages regarding the two lives, the theoretical and practical life. That is at the end, in paragraph 152-158. Let me make this suggestion, both because it is very late and also because it is extremely humid today, that we consider this question in connection with the paper on those paragraphs. Would you include some consideration of these paragraphs? Thank you. You find quite often in Greek authors the discussion of that which is wise--there is something which is wise, and then there is something which is noble. That clearly shows that the meaning of the two terms is different. There may be something wise without being noble. That does not mean that it must be ignoble. For example, a very clever conceit, in the 16th century meaning of the term. You know, someone has figured out something very brilliant. That is wise, but it is not in itself noble. And something may be very noble without having anything to do with any wisdom. An heroic deed, for which no knowledge or any special wisdom is required, would be noble without being wise. Now that is only provisional, i.e. on the first level. Now if we ascend we would come to the question. How is the life of the wise man related to nobility? You find a very detailed discussion of that at the end of Aristotle's Eudemian Ethics, not the Nicomachean Ethics. There the following question is raised. What we translate by the perfect gentleman is literally translated the man who is noble and good, fair and good. In other words, he is guided by a consideration of such good things as are identical with the noble. A perfect gentleman. But what about the wise man? Aristotle makes there a distinction, preparatory to everything else, between the man who is a perfect gentleman and the good man. A distinction. Now the good man is nothing but a good calculator. He is not guided by any consideration of the noble or resplendent. And as an example he gives the Spartans, who were not perfect gentlemen but who were only good men. And then at the end he raises the question of the philosopher. And he states the issue as follows. What is the highest goal that man can possibly have? And then he says, to know God. But this end cannot be reached without living. And so we need therefore all kinds of deliberation, which enable us to know. This deliberation is of a purely calculating kind. What enables you to lead that life. So in this consideration there is only the last goal, knowledge, the highest knowledge, and deliberation as to what I, situated in these particular circumstances, or what would enable me, situated in these particular circumstances, to devote myself to knowledge to the highest degree. Now here, in this presentation, the noble as noble doesn't enter. But

then there is, of course, also the other view, which Aristotle also states, and more clearly perhaps Plato, and that is that the full coincidence of the good and the noble is possible only in the life of contemplation. But one would have to go into another question, because there is a certain kinship also between the noble/beautiful and the pleasant. For example, when you read the chapter in the Rhetoric. In the first book of the Rhetoric there is a chapter on the noble. And there you will see that one meaning of kalon is really a certain kind of (word inaudible). For example, say a beautiful flower and its smell. That is beautiful--both for the sight and for the smell. And that is also

Elson. And therefore the question could be stated that, according to Plato and Aristotle, only in the theoretical life is there the good in the highest degree and the pleasant in the highest degree. Whereas in the political life there may be the good in the highest degree, but it cannot have this intrinsic rewardingness, if you can call it that way--the pleasant.

I am sorry that we have to stop here, but the reason is obvious.

(End of lecture)

Now let me say if I understood you. You started from the fact, on the primary level, that the simple equation of the honestum, the virtuous, with the expedient seems to be wrong. The famous wicked people who are successful, and so on. And then you suggested that this is indeed a very narrow view. For example, take a man who suddenly acquires great wealth by an act of robbery. That shows how expedient it is to rob. But a moment's reflection, which we all have made, shows us that it is really not expedient. Looking only from the point of view of expedience, we have to weigh the danger of discovery. So that won't do. So we have to take a broader view, and we see that the immediately expedient is not the truly expedient. Now what you were driving at, if I understood you correctly, was this—the long range expedience. And this means the long range expediency which is not even limited to one's lifetime, but to a future generation or generations. Then, from this point of view, only the virtuous can be expedient. Well, let us take an example which just occurred to me. Bismarck's policy was regarded as a masterpiece. And he was surely superior to most of the other statesmen of his time. And there were certain things which were regarded by just men as very dubious. You know, some of the things which he did. These various things had something to do with what happened later. When Bismarck died in 1898, the London Times, as I happen to have read somewhere, said: If one can be certain of anything, it is that the work of Bismarck will last, so to speak, forever. Twenty years later it was destroyed. And part of the story was, of course, Bismarck's own policies. It was not merely that foolish successors did not understand him. Some of the crucial points were inherent in Bismarck's own policies. So, in other words, one cannot simply take the momentary success. Take a much lower example, with which some of us are acquainted—the success of Hitler between 1933 and 1940 was indescribable. And, you know, five years later.

Something of this kind is, I believe, the view which Thucydides suggests in his history. That the noble and the long-range usefulness are about the same. And that is an interesting question. Thucydides shows the depth of his analysis on pointing out that they are not simply the same. There is a certain ultimate difficulty which remains here. This doesn't do away with the practical teaching itself—that the expedient cannot be understood simply in opposition to the noble, or honestum. But they are surely not identical. The question is, therefore, what is the point of view of the useful, or as they say, expedient, as distinguished from that of virtue, of honestum. How did you state it in your paper? What are we after when we are concerned with the noble, honestum, and what are we after when we are concerned with the useful as useful. One thing is clear—that the useful as useful is a concern of all men, regardless of whether they are concerned with noble or not. So let us start from simple, every-day examples. You gave some examples of what is the typical object of the man of experience.

(It is characterized mostly by external goods rather than interior goods.)

So, in other words, the noble is a good of the soul, the good character or good status of the soul. But we are also concerned, necessarily, with other things. For example, we must eat. But the problem doesn't become visible on this most simple level—the immediate needs of nature.

You mentioned wealth, power and influence. And wealth, power, and influence require the opinion of good character. You cannot have wealth, power and influence if you are not trusted. In our present American observations, the fellow who coined the expression "Tricky Dick" was a very clever politician. Nothing can ruin the reputation of a man more than if he is believed to be tricky. Whether he is tricky or not is another matter. So you must be trusted. A reputation for virtue is indispensable. That can go a rather crude version of virtue; that is implied. Especially if you have a very large electorate, and very heterogeneous. Still, the reputation is needed. And the question arises, which was exactly Machiavelli's question—is the reputation enough. Is it not much better that you have the reputation for virtue and remain free in your mind to do unjust acts as well as just acts, than the other way around? If you are a strictly honest man, and yet do not have the reputation for justice. And the problem discussed also at the beginning of the second book of Plato's Republic—the story of the just man who is crucified because he is not regarded as just, and the unjust man who is a pillar of society, who is regarded with honors in his life and after his death, because he was so cleverly unjust.

You are quite right in what you said about the fact that Cicero does not even aim here at a solution to this problem which would be theoretically satisfactory. It is sufficient for him to make a plausible case for the harmony between the useful and the noble on the basis of certain common-sense considerations. The deeper questions do not come up. Now we will have to go into this. But this argument, as appeared from some of the examples which you mentioned in passing, is linked up with other things. This will appear on the simplest level, the most obvious level, if we look at some of the examples he uses. Now what is the politics of Cicero in this book, the practical Roman politics which he suggests. As stated in present day American terms, to make it quite clear, (How to win friends and influence people.)

Oh, no, no. In political terms, I mean. Surely in this connection you are right. The question of how to win friends and influence people is a question of expediency.

(Well, you get a career which will put you in the public eye.) No, I meant something on the political level. What are his political suggestions? Where is his place on the political spectrum. For example, to the right, or to the left, to FDR, or to Taft, or what?

(Well, I guess he is a conservative . . . inaudible . . .) But thinking only of his politics. What about if they were projected on the present-day spectrum.

(He would be a Republican.)

You would have to say much to the right. He would be a most right-wing Republican, perhaps the most of our age. And who was the wicked man in his eyes? And what kind of man was he?

(The man who tried to cancel debts.)

(Gracchus.)

That is true. The Gracchi, and Caesar, not to mention others, like Catiline, and so on. What do you think of Cicero's doctrine regarding property, as stated here in this book?

(What do I think of it?)

Is it convincing—the whole statement about property?

(It is convincing if you accept certain premises.)

So it is not convincing?

(I think it is convincing given that we don't assume a disturbing situation has already arisen. For instance, if you have a stable situation, and you have really a fair choice, it is likely to be unsettling to change things. On the other hand, if you are threatened with a revolution, it might be that you don't have any other choice.)

Yes, but that has something to do with this whole question, because if the just is not so simply definable as Cicero assumes--so that, for example, under all conditions the sanctity of private property overrides all other considerations. You remember the passage where he quotes the demagogue who has said, among all Roman citizens, how many have any property. A very small number. And Cicero regards this as a very malignant statement, without going into the question whether this might not have been true. Now, assuming this it is true, that there is an enormous disproportion of rich and poor, extreme wealth at one end and extreme poverty at the other, this creates a problem. Now here is a difference between Aristotle and Cicero. Aristotle takes these things into consideration. You know, that is also a sign of the extremely popular and political character of the book--you know, that he leaves it at such a very simple rule of thumb. This might have been wise, for all I know, in Cicero's time, but which can surely not be used . . .

(Well, I don't know. I was going to say does he really believe that it is as simple as that. In speaking of Aratus, for example, the man who came up with a solution that was not simple . . .)

That is true. That was after a successful democratic revolution--the expulsion of the rich. He belonged to that upper class. And then they returned by force of arms and reconquered the city. And they would have been physically capable at the moment simply to take away the property taken fifty years previously. But Aratus, being a wise man, saw that in the meantime perfectly innocent people had acquired bona fide this property. And this famous story of what should be done after a successful restoration. He acted wisely under the circumstances. He did not want an unqualified restoration, which would have been most imprudent in the situation, but rather made some compromises. Some restoration and some compensation; this sort of thing. That is true. But here we have the case of what should be done after a successful restoration. The question is, what do you do when confronted with a situation which might lead to an upsetting, and where considerable change in present day property status is to be effected, perhaps by taxes. You remember that he mentions that. And he seems to reject this simply. Well, one could say, of course, who cares for Cicero's private and partisan politics, that it is really not important in such a book, and we must return to the general question.

(What is the premise which this rests on--this view regarding property?)

(That there is nothing more destructive of the commonwealth than these feuds over property, since harmony on this crude level is the most important aspect of the common good. It therefore requires the elimination of all disputes over property.)

But is there not here . . . Well, if we state it as follows. Is

the problem of expediency versus virtue not, politically speaking, in Cicero's presentation almost identical with the problem property and virtue. You can quote me "n" passages which would contradict what I say, but if we reduce the issue to how it would appear on the political level.

Well, before we turn to specific passages, I would remind you of one point, which is so crucial for the understanding of the difference between classical and modern political philosophy. The notion of all these men, including of course Cicero, is rule of the aristocracy, the rule of the better people. And the arguments are well known; we can leave it at this. Now in fact what you have, speaking sociologically, meaning superficially, what you see immediately, is the rule of old, landed wealth. It amounts to that. Now surely there is some connection, some plausible connection, between virtue and old, landed wealth. At least I would assume that Plato and Aristotle had as good a moral sensitivity as I have and knew what they were talking about. But surely they are not identical. There can be men of old wealth who are the greatest crooks in the society, and there can be extremely poor people who seem to be more deserving to be the rulers. That we know. But political solutions are crude solutions, and therefore you must have crude lines. As we all have. For example, how many people have the right to vote who shouldn't have the right to vote. Some people would say the opposite. E. g. President Eisenhower, who said that he who is old enough to fight is old enough to vote. which is, I think, in itself an irrational proposition. But which can be made rational, and perhaps even be rational under certain circumstances, although I cannot think of them at present. But let us start from this. You cannot have a political rule which is exactly true. And therefore what we demand for our modern democracies we are obliged to give also to the non-democrats of classical antiquity. But still, on the other hand, as thinking people, meaning if we are not politically active and try to understand what comes to sight in political action, we have to admit that there is here a rhetorical equation of two radically different things—virtue/old landed wealth. This cannot be literally true. It can be a plausible claim. And what Cicero does in this book, at least the simplest political example of what he is doing, is that he says I argue now on that premise. And that is good enough, for the perfect solution you won't find anywhere. And that is the best practical solution, and therefore I (Cicero) adopt it. And then I show to you that on this basis you can have a decent society. And that he does show. He shows that such people have the opportunity and they live decently and help the needy and the other things of which he speaks. But still, we must take this into consideration, because I would say that it seems to me that is, if not the whole problem it is surely the politically relevant part.

Now let us turn to paragraph 73.

The man in an administrative office, however, must make it his first care that every one shall have what belongs to him and that private citizens suffer no invasion of their property rights by act of the state. It was a ruinous policy that Philippus proposed when in his tribuneship he introduced his agrarian bill. However, when his

law was rejected, he took his defeat with good grace and displayed extraordinary moderation. But in his public speeches on the measure he often played the demagogue, and that time viciously, when he said that "there were not in the state two thousand people who owned any property". That speech deserves unqualified condemnation, for it favoured an equal distribution of property; and what more ruinous policy than that could be conceived?

It goes without saying that this is not a good argument. Because if someone says, for example, there should be a limit to property, as Plato and Aristotle say, he does not by this fact say equality of property. To say nothing of the fact that Cicero doesn't meet the issue at all. He doesn't raise the question whether the statement was true or false. He only says that it has deleterious effects.

For the chief purpose in the establishment of constitutional state and municipal governments was that individual property rights might be secured. For although it was by Nature's guidance that men were drawn together into communities, it was in the hope of safeguarding their possessions that they sought the protection of cities.

Let us look at the end of paragraph 78, which is at the top of page 255, the last sentence.

For, as I said above, it is the peculiar function of the state and the city to guarantee to every man the free and undisturbed control of his own particular property.

I do not go into the problem now whether that is a bit too over-translated. The main point is clear. As he says in paragraph 73, "chiefly for this cause were states and cities established that everyone could hold, or possess, his property". Now that is very strange. Does this not remind you of a very famous doctrine.

(Locke.)

Locke, sure. And sometimes people when they write about Locke say that that is nothing in particular, but rather that is Cicero's doctrine. But you see already in the next sentence that this is not the only, nor a full Ciceronian reasoning regarding civil society. For he says, although men congregated under the guidance of nature. Do you have Cicero's Republic with you. Book I, paragraph 39, where this issue is explicitly discussed in spite of the fragmentary character of this thing.

Well, then, a commonwealth is the property of a people. But a people is not any collection of human beings brought together in any sort of way, but an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good. The first cause of such an association is not so much the weakness of the individual as a certain social spirit which nature has implanted in man. For man is not a solitary or unsocial creature,

And so on. In other words, that is the old Aristotelian doctrine. The root of cities is man's social nature and not a weakness, for example, to protect one's life, and to protect one's property, which induces man to enter society. That is, by the way, an example of a fundamental problem with which one is confronted in studying earlier thought. What does one do with such passages? You know, the mere observance of a similar statement in Locke and in Cicero means in itself absolutely nothing if it is not seen in each case in the full context of the teaching. That I do not have to labor.

But the striking thing is that Cicero, in this part of the Offices, turns around somewhat his political doctrine. That shows a deeper difficulty. If he had argued strictly on the basis of his political writings he could not have stated the case for property as he stated it. That is, I think, the point.

(Is this really so, that it comes out in this negative way.) Or at least it would have been infinitely more complicated. Then he would have had to bring in some important qualifications, very important qualifications.

Now to come back to what you said in your paper. The second book of the Offices is meant to approach the question of right conduct from a utilitarian point of view. And the point is that Cicero says that while this utilitarian point of view is, of course, not identical with the moral point of view, yet the results are, in the decisive practical respects, the same. That is correct. In other words, you will not get the whole moral teaching of the first book of the Offices, but for crude practical, and especially political purposes, it is the same. Now therefore we have to consider this peculiar character of the utilitarianism here. Now where shall we begin. You noted very well, and we do not have to reread that, that the link is this. We are concerned only with our self-preservation and self-aggrandizement. We want to have as much as we can of the useful things. But let us go about it in an intelligent way. Now the most useful things are human beings, because every other thing which we might wish to possess we can only possess with the help of other human beings. At least you would need servants, and so on. So therefore the most useful being or thing is man himself. And therefore the question of expediency amounts to this—how to get the most out of human beings for your own benefit. And then the answer is, really you get the most out of them only if you are a decent fellow. And the notion that you can do it merely by whipping and defrauding, and this kind of thing, is simply based on a very narrow view of the situation. That is the general idea.

Now let us start from the following point. At the beginning there is an argument which you did not discuss, and I don't blame you for that because you did well enough, regarding the two ways of life. We may take that up later.

In paragraphs 7-8 Cicero raises the question which has been in our minds all this time; namely this, in certain writings Cicero adopts the Stoic teaching, and he does this in the Offices too. And he was not a Stoic. He was an Academic Skeptic. How is this possible? What does he say about that? Do you remember that?

(He said that he was being consistent because it seemed to him that the thing you have to do is to discuss what is most probable where you know that all things are not certain. And if the Stoic doctrine is most probable in this case, and another more probable in another case, then you use what is most probable in each case.)

In other words, the Skeptics, while denying any possibility of certain knowledge, admitted that some propositions are more probable, say more plausible, than others. And it so happens that the Stoic teaching regarding the offices, and we must probably say, regarding these

medium offices as they call it, that is to say, the popular or general offices, is most probable. So from this point of view it is acceptable. So Cicero accepts the Stoic teaching by changing its mode, its cognitive status. But the question is, does he even do that in this particular case?

(No. I was just going to add that this is made more difficult because he turns around and justifies it on the notion of wisdom. That it is a characteristic of wisdom not to be dogmatic, but rather to look for the most plausible. So that is within a context . . .)

But that is not the Stoic context. Surely not. If there ever were dogmatics, you know, they were famous for that, they were the Stoics. But there is another point which we have to consider. Because, as we have seen, for example, in reference to Book III of De Finibus, paragraph 58-59, which will be discussed at a later meeting, that is precisely the status of the duties discussed in the book, The Offices, that they are only probable. The truly necessary and simply right acts are not the theme of this book. In regard to Cicero one could tentatively suggest, and it is a very tentative suggestion, this. He rejects this dogmatic teaching of the Stoics regarding the wise man, with all its implications, e.g. no private property and so on.

(He says that in his own name in regard to the whole argument about the wise man.)

Well, that I do not remember, but I hope that you will give us an account of that in your paper. So he rejects the Stoic teaching regarding the wise man, and then he can preserve that Stoic teaching which, according to the Stoics themselves, is only probable, regarding the non-wise man. What this means in practice is the acceptance of such plausible opinions like virtue/old landed wealth. Or, to take another example, which we have discussed at great length in last quarter's seminar on Plato's Laws, because that is a much broader formula, intelligence or mind is equal to law. It is of course not so. But merely to insist on the inequality is destructive to civil society. On the other hand, to take the equation literally is to deceive one's self completely about one problem of society. So you have to move, as it were, in between law and intelligence. The practical thing would be equity of course. The improvement by a judge of the law. And also the reform of the law. That would be the practical way in which it would happen. But the strict theoretical formula is to say that they are both equal and unequal. The same is true for the first example we gave. The premise is that all political life rests on crude identification. The crude identification cannot be literally true. That is what is meant when we call them crude. On the other hand, without them, without political principles, it is impossible to live politically.

(If Cicero had come in contact with Machiavelli's teachings, would he have included it among his list of books, like the Epicurean argument? Would he have put it in there, or would he have argued against it in totq. This being totally opposed to his own teaching. In other words, would it fall in this hierarchy--the Epicureans, the Stoic, and so on.)

That is a good question, and we might have taken it up when we discussed the third book of Cicero's Republic. In a way, what Machiavelli teaches is exactly what Carneades teaches. And Carneades was the

Academic Skeptic. But what is the difference? Now what is the difference? To say that this man is dependent upon that thinker, is often very easy to say and to prove. But that is absolutely uninteresting and a mere piece of sterile scholarship if it is not at least accompanied by a realization of the differences. Now what are the differences?

(Carneades is not putting forth a political doctrine.) Exactly. Carneades leaves it at the assertion that justice is impossible. And Machiavelli, taking this result, says, hence, we must have a political teaching based on the premise that justice is not possible, or what are the limits of justice. That is what Machiavelli is doing. That is correct. One can also say that this follows. The consequence of Carneades is a simple contempt for the political life. There is no possibility of any public spirit on the basis of Carneades. Machiavelli is the strange man who combines public spiritedness with a questioning of justice as justice. That justice comes in in Machiavelli we know, but in a strictly subordinate manner.

(So, to answer my earlier question, whether Cicero would have put this in his teaching, he would not . . . inaudible . . .) Well, that is hard to say because Caesar could conceivably say this. What you say is very true; an aristocracy may be the best thing you can have. And we had it really until the time of the Punic Wars, the time of the second Punic War. But then things became absolutely rotten. The aristocracy became much too rich. And the meaning of the proconsulate was completely changed, when it could be renewed. So that a man could stay in Asia for five years or maybe longer and build up a private army by the mere fact that he was alone in command. It is no longer workable. You need a new kind of monarchy. That is a possible argument. And what is the use of demanding the preservation of an intrinsically superior regime when the conditions for the same have disappeared. This is a perfectly legitimate and politically sound argument. So what you do, meaning you, the senatorial party, you make justice impossible by trying to preserve a regime, an intrinsically higher regime, which is no longer possible. That is a perfectly defensible argument. Because to believe that the best regime is possible under all circumstances is an unwarranted assumption. To quote Rousseau, freedom is not a fruit of every climate. Try to establish a democracy in some states of the world. You can try; you can perhaps get institutions working formally. I do not know what is going on in Central Africa. I have heard various reports, but I would not take it for granted that these, Ghana and so on, are democracies.

(You think, then, that Cicero met some of the difficulties of the time, saw some of the problems, that he was a product of his times, that he saw the necessity of injustice.)

But the question is whether it can be unjust if it is a true necessity. Cicero himself says, as we have read in Book I of the Republic, necessity sometimes vanquishes reason. Some examples in the same direction occur here too. We will come to them later. In certain conditions, certain not quite savory things—I believe in one case he even speaks in these terms, of sordid things, and yet which has to be done. That, of course, fits the situation. Do you see? Is it possible to call a necessary action, assuming that it is necessary. I mean the objection would be this—what you call necessary is only something very convenient.

And something very convenient is not for this reason necessary. But still, politically speaking very great conveniences, extremely great conveniences are identical with necessities. That is, of course, a problem. But here you must not forget that this is truly a much more popular book than the Republic.

(Am I interpreting you correctly? Did you say that Cicero says here that something immoral can be in the interests of the state?)

No. The question is this, to state it differently. Let us assume that certain courses of action which we regard as immoral become politically necessary, if that is really true. Then what would follow? Either one would say, as Machiavelli does, they are immoral. But one could, of course, also argue they are imposed necessity.

(Does Cicero?)

Cicero absolutely denies that in the Offices, that there can ever be any justification for any ignoble action. And that an ignoble action can never become noble by virtue of its political benefit, however great it might seem to promise. For in the long range it would prove to be inexpedient. Think of the Marxist doctrine, plus practice. One big murder, and afterwards not even the possibility of murder. And where the simple observation is, what about the generation that did the murdering. Will it not be molded by this practice and will it not somehow transmit it to future generations. This great problem. One big atrocity, and afterward perfect non-atrocity. That doesn't make sense.

(And in the Republic Cicero does not seem to hold this view.) In the Republic he says this. Take a very simple example. Let me state it as follows. When we discuss the problem of morality, we think primarily of the second table of the Ten Commandments. That problem was not in the foreground of the classical discussions. Because their moral concern was in a different direction. These were for them a kind of minimum requirement, which because they were minimum requirements were not very interesting. They were much more concerned with the higher levels. The question for them was, for example, this. Scipio makes at one point, in agreement with the whole argument of Plato and Aristotle, a very strong point against the multitude as a politically decisive factor. And then he goes on to say, but they are too powerful, many fists. So you can't simply come through with what you want, namely, that they are obedient and have no say. Therefore necessity, i.e. the fists, vanquish reason. You have to make a concession. That is one case. And of course similar considerations come in, although this is not explicitly admitted by Cicero but stated very clearly by Philus, who takes the Carneades point of view in the third book, where Scipio alludes to that in his treatment of the Roman Empire in Book II. If you take a people, any people, and they are confronted with this choice--an unjust action, by virtue of which they will rule, or a just action, by virtue of which they will become subjects to another people. The individual can very well say I prefer to suffer any deprivation, loss of life included, rather than to commit an unjust act. But to expect this from any people is impossible, politically impossible. So once you have granted this little thing, you have granted everything. You have not granted mass murder all the time, but you have granted that there is a problem of morals in politics, or of justice and expediency. If the Roman Empire has been produced by injustice, by some injustice, because to say the Romans became such successes because they helped their allies all the time is

an extremely implausible formula, as Cicero here in this book makes quite a few admissions. Now a perfectly just state would say, of course, let us return to their original owners what we have taken away from them. Something of this has happened, with some help from the outside, to the British Empire. You know. Cicero never considered such a possibility. I am sure he had good reason, because he would say that if the Roman Empire is intelligently ruled, as he would have known how to do it, these people in the long run will be better off by being Roman citizens than by being the savages they were before. That can be said. But a retroactive justification of injustice is not the perfect style of justice. That is the problem. The question is whether, when we talk about these matters, we do not always prefer the more just, or the less unjust, to the less just or more unjust. In fact. In other words, that we in every case we swallow certain things or certain defects, and say that they can no longer be remedied and we will atone for them. Which means, of course, also that we will continue to benefit from them. This simple fact that a people, a political community as a whole, cannot be, for example, punished, properly speaking. Cannot be subject to criminal justice in the same way in which individuals can be subject to it. All these things lead to the inevitable difficulty that when we speak of political matters we cannot apply the strict standards we can at least apply to ourselves, or at least to individuals generally speaking. That comes up in one way or the other. And what men like Cicero did is this. They are very responsible men. They see the grave dangers of setting forth these difficulties. In an age of ideological politics, as we have behind us for some time, and, to some extent, we still live in it, it is even politically wise to emphasize the concessions to injustice which are inevitable in political life--over against those who believe they can set up a realm of pure justice on earth. But in former times, where there was not yet political idealism, and the fellows who made these disturbances were simply ambitious people, the opposite was true. That we have to take into consideration. But you wanted to say something.

(It seems to me that somehow or other Cicero maintains . . . It is true he doesn't think in terms of the decalogue . . . that the determination of justice comes somehow from right reason, considering the end of the society, the good of the society. But at the same time he would, I think, refuse to admit that an evil act, if you can determine an evil act, if there is such a thing, could ever work for the good of the society. I think he would argue that it just seems necessary, or something like this. I was thinking particularly of the example of the unmentionably wicked act at the end of the first book.)

It is unfortunate that he didn't give any examples.

(You can think of private acts that would be unmentionable, that would be wicked acts, but there would be no problem. But I think if you take the notion of the natural law as he has stated it, granted that there are a lot of questions to be answered, still his notion seem to be that the natural law will bring it about that states will fall if they are unjust, that in his sense justice . . .)

But then the question is this. I believe that is exactly the point that Scipio sought to make in the third book of the Republic. Unfortunately, one cannot speak with certainty because of the frag-

mentary character of the book. I believe that the difference between Scipio and Laelius, Scipio the great general and Laelius the great civil lawyer, is this—that Scipio is thinking of certain things that are evidently punitive. If you have a society consisting of an upper class and virile plebs, and I make this qualification not without reason, then a certain policy of oppression against the plebs will, of course, lead very soon to disaster. Given these conditions you must have a moderate policy, . . . inaudible . . . But that is clear. We understand that there is a certain stratification of society, and any infringement on this overall situation out of selfish sectional interests, is self-defeating. And that is clear. That is the point. But there are questions in regard to other things. For example, let us take this point. Let us assume, because it is imaginable that one of these unmentionable things Cicero has in mind was homosexuality, that you have a very great general who suffers from this defect. And he practices it. Is it under all circumstances, necessary to throw him out, or to inflict all other kinds of punishment which the law may prescribe. Or is it not sometimes wise, especially if you have no other competent generals about, to say O.K. These things do happen. Aristotle in his wisdom has discussed these problems. Consider an example—simple honesty in money matters; is this a more important requirement than competence. And he says, well it all depends on what job it is. If it is the job of a treasurer, surely if he is a thief he is completely unequipped for the job. But if he is a general, and especially if he is the only competent general around, well, whether he cheats a bit with money is the least important consideration we have to know. Of course it is indecent, and you will despise him. But you need him. That is a political argument. And people act on that, and not foolishly or unwisely.

(But suppose I reverse the case, because this can be granted I believe without too much trouble. Say we are facing a very strong enemy, which, as far as they can determine, will defeat them because of the mastery of the homosexual general. And then the wise man says, well, what we will do is send in a very attractive boy on our side to this general, and he will kill him. This is a much tougher case.)

Well, I believe an extreme toughness is required for giving such an order. But let us take a simpler case, where I can see that I could take the responsibility. For example, there is . . . inaudible . . . Again you can say, rather let the country perish than to have (inaudible). But that would not make any impression on any politically active and (inaudible). Or take the case of a spy. You must give these people the right to decide, of course, on the spur of the moment. We don't know how the situation will be in that atomic establishment in the Urals. He must make up his mind. Well, you give him in fact the authority to act as he sees fit. He may have committed a murder in this connection. What will you do. Will you say you are a common criminal, and you have committed a murder and you will be punished for that. And he brought you back the most important information you ever hoped to get. Will you say, I can never employ you again. I don't want to decide this issue, but I only want to suggest that one cannot simply say the man who says, I am going to employ him again, is a crook. He takes a great responsibility. So does the other, who says he will never employ him again. Let us

assume that this limited information acquired in this mission proves to be wholly misleading. If other, additional information, had been collected by that man, you would have had very serious consequences . . . inaudible . . . But the question is simply whether the official teaching by these respectable men is sufficient. And whether the more experienced men did not know that and give some indication of knowing it, even though it is not something that they, or you, would teach in high school. But there are other things which you also don't teach in high school. There was a time when you didn't even give information on the procreation of the human race in high school, although that has changed very much I understand.

(Not at all schools.)

Not at all. Now in Cicero I believe the problem is this. This is a book addressed by Cicero to his young son. We must take into consideration at least the teaching of the Republic, if we want to have a clear judgment of that.

(It seemed to me that the unmentionable crimes might be the crimes of Caesar.)

But he doesn't hesitate to speak about Caesar's crimes in the second book.

(But he can't just say that Caesar did this, that Caesar killed his friends, and so on.)

But he says so. I mean he speaks of Caesar's political crimes quite openly in the second book. No, I think I can prove it to you, because the subjects he has in mind are crimes against temperance. Therefore, homosexuality would be an example. Now let us consider a few more important passages. Unfortunately, we cannot consider everything.

Now in paragraph 12 to 14, there is this argument where Cicero shows that the cooperation of man is essential for our achieving any goals. This kind of consideration occurs also in Locke's Civil Government, in the second part, sections 40 to 44. But with an entirely different intention. Locke shows that we need men in order to show the value of labor. That what nature supplies us are the almost worthless materials. Things acquire value by labor. Cicero is not concerned with the praise of labor. Cicero is concerned with the praise of society, which is an entirely different proposition. And in this respect, of course, there is no difference between Cicero and Plato and Aristotle. But, on the other hand, his statement in paragraph 73, which we read, where he for a moment goes so far as to say that society has been established for the sake of property is, of course, not Cicero's view of civil society as such but indicates very clearly the problem of the second book of the Offices. If one states the political problem in the most general terms--virtue and property. Virtue is the fundamental consideration from the classical point of view. Property also comes in, because the virtues on which you have to count politically is not possible without property, what Aristotle calls equipment. But property is, as such, the objective of all men, or of almost all men. Whereas virtue, unfortunately, is the preoccupation only of some men. And here the question arises of a possible conflict between these two considerations, and ultimately of the problem of the equation/unequation to which I have referred before.

Paragraphs 17 to 18 are of special importance, because here Cicero has to give a utilitarian deduction of virtue. Naturally. Because the point of view of the book is the expedient. And that I

think we should read.

Since, therefore, there can be no doubt . . .
(End of reel; a few sentences were lost in changing the reel.)
. . . the character of our souls. We must develop the habit of making men favorably disposed towards us, and this habit as a habit is a virtue. But the rationale of that virtue is calculation. It is not nature.

And so those benefits that human life derives from inanimate objects and from the employment and use of animals are ascribed to the industrial arts; the co-operation of men, on the other hand, prompt and ready for the advancement of our interests, is secured through wisdom and virtue (in men of superior ability).

You see, that from this point of view there is not an essential difference between the art of taming and domesticating animals and those habits which a man must develop in order to tame for his purposes his fellow men. Continue.

And, indeed, virtue in general may be said to consist almost wholly in three properties: the first is (Wisdom,) the ability to perceive what in any given instance is true and real, what its relations are, its consequences, and its causes; the second is (Temperance,) the ability to restrain the passions (which the Greeks call) and make the impulses () obedient to reason; and the third is (Justice,) the skill to treat with consideration and wisdom those with whom we are associated, in order that we may through their co-operation have our natural wants supplied in full and overflowing measure, that we may ward off any impending trouble, avenge ourselves upon those who have attempted to injure us, and visit them with such retribution as justice and humanity will permit.

I think we see this. From looking only at advantage or disadvantage, at wealth, power and influence as Mr. Sasseen called it, we need surely judgment, some form of wisdom. We surely need self control, because if we are not awake and allow ourselves to be carried away by passions, we will never achieve wealth, power and influence. And thirdly, a judicious handling of human beings which will conciliate them to us. You see, incidentally, that courage--the fourth virtue, is here treated as a sub-division of justice. This is perhaps also noteworthy. What I wonder is this. I cannot decide this question. Is this argument not perhaps the academic morality, I mean the morality of the Academic Sceptics, that they make such a deduction of morality from a strictly utilitarian point of view. The reason I regard that this is not impossible is because we find in Xenophon, and to some extent also in Plato, very much the outlines of such a doctrine, of a utilitarian deduction. For example, when you read Plato's Euthyphro, toward the end where he speaks of justice something like this argument is given. If you want to have to live with dogs, then how would you treat them. Of course in such a way that they would not bite you all the time. You would be nice to them. Now what is true of dogs applies also to human beings. If you want them to be nice to you, you must be nice to them. That plays in Xenophon also a very great role, and it is imaginable that this was a part of the Academic teaching.

The passage which I had in mind in connection with an earlier

question was at the end of paragraph 21 and the beginning of paragraph 22 (page 189). The context is this—why men contribute, help another man, to his improvement and to his dignity, to the increase in his dignity. There are a number of things, such as benevolence and fear, and then the last point is what?

. . . they may be moved by the promise . . .

He doesn't say promise, by prize or reward. He doesn't speak of the promise, but of the actual cash down

This last is, I admit, the meanest and most sordid motive of all, both for those who are swayed by it and for those who venture to resort to it. For things are in a bad way, when that which should be obtained by merit is attempted by money. But since recourse to this kind of support is sometimes indispensable, I shall explain how it should be employed; but first I shall discuss those qualities which are more closely allied to merit.

Here you have that. It is something most sordid. He couldn't use a stronger expression. And yet sometimes necessary. That is an important difficulty. What would Socrates say to this thing—that it is sometimes necessary to do most sordid things if you want to have a position of dignity and power in your society. Well, I believe I can say without hesitation that this is a strong argument against political life. Don't go into politics. Good. But you need politics, surely. And Socrates says, well let others do that dirty work. I will not do it. Which is, of course, also a difficult solution, because if you send out someone to do something, you in a way do it yourself. But in fairness to Socrates, one must say that he knew that.

Here (in paragraphs 21 and 22) there is a certain interesting difficulty. He gives twice enumerations of things required (a) for the increase of a man in his status and (b) what induces man to subject themselves to the authority and power of another. The things enumerated are almost identical but not quite identical. I have not succeeded in finding out whether there is any deeper meaning in that. I only noted that it is a problem.

I would like to draw your attention to the end of paragraph 23 (page 191), the last sentence of the paragraph.

For fear is but a poor safeguard of lasting power; while affection, on the other hand, may be trusted to keep it safe for ever.

This is one of the cases where we have a clear polemical reference to this very passage, namely, at the beginning of Hobbes' De Cive, Chapter 1, paragraph 2—end. Where Hobbes says, and it becomes perfectly clear only from the Latin, in Cicero where Cicero says, "for a bad guardian of lastingness is fear and on the contrary benevolence is faithful even toward perpetuity." Hobbes says that one must, hence, assert that the origin of large and lasting societies has emerged not from the mutual benevolence of man but from mutual fear. You see here a clear statement of an alternative, and that is very helpful for our understanding. Hobbes does not deny that there are some cases of benevolence from time to time, but they are utterly unreliable and you can't build a society on that. And a man called Machiavelli, of course, had come in between the two and had prepared the ground for that.

In paragraph 35 you find another very clear distinction of what a good man is as distinguished from others. On the top of page 205. "We call different men courageous, different men, good men, and different men wise or prudent." So "bonos" has the meaning, the specific meaning, of justice, and, to some extent, temperance. But primarily justice. I mentioned this last time--that this is of some importance for the usage of Machiavelli.

(Inaudible . . .)

No. Prudentia is more the practical wisdom, which is more common. He does use sapientia because this is still something different. That goes without saying.

There are some other passages which throw light on the peculiar problem of this book. For example, in paragraph 64 (page 237), in the middle of the paragraph. "It is not only liberal or generous occasionally to abate a little of one's rights but sometimes even advantageous." It is not always advantageous, and the points of view of liberal, generous, virtuous and the points of view of advantage are different. There is no complete identity of them.

In the next paragraph, at the bottom of the same page.

It is, moreover, a very great advantage, too, for those who wish to obtain a powerful political influence by honorable means to be able through their social relations with their guests to enjoy popularity and to exert influence abroad.

Here the question would also arise in regard to those who wish to do this by dishonest means. They also would derive advantage from that. But that is clear.

Now let us look at paragraph 87 (page 265, top).

As for property, it is a duty to make money, but only by honorable means; it is a duty also to save it and increase it by care and thrift. These principles Xenophon, a pupil of Socrates, has set forth most happily in his book entitled "Oeconomicus." When I was about your present age, I translated it from the Greek into Latin.

Which is also a nice way of giving advice to his son. You would have been a very good addressee of Cicero's Offices, because you would have understood everything. (This last remark addressed to a particular student.)

But this whole subject of acquiring money, investing money (I wish I could include also spending money) is more profitably discussed by certain worthy gentlemen on "Change" than could be done by any philosophers of any school. For all that, we must take cognizance of them; for they come fitly under the head of expediency, and that is the subject of the present book.

Again, this is a simple illustration of the fact that there is a difference between the consideration of utility and that of virtue. Why is it not an essential consideration to virtue as virtue, whereas it is an essential consideration of utility as utility? It is possible to find human beings who are absolutely uninterested in acquiring money. And there is nothing wrong with that. On the contrary, looking at the possibility of this more lofty morality described by the Stoics, and by Plato and Aristotle, that is better.

You see, the entering into the issue of utility, to that extent and in this particular way, is based on the principle that here we address the man who does not aspire to virtue in the highest sense of the term.

In relation to this reference to Xenophon in the paragraph we have just read, that shows again that there is no fundamental difference between Cicero and Xenophon. He accepts that. But from this point of view it is not uninteresting to see the end of this book (page 265, bottom). Raising the question of the comparison of various useful things, what is preferable from the point of view of utility. For example, on the lowest level, should you go into business or continue studying political science. We all know these kinds of questions. Now here we have an ancient discussion of that.

To this class of comparisons belongs that famous saying of old Cato's: when he was asked what was the most profitable feature of an estate, he replied: "Raising cattle successfully." What next to that? "Raising cattle with fair success." And next? "Raising cattle with but slight success." And fourth? "Raising crops." And when his questioner said, "How about money-lending?" Cato replied: "How about murder?"

Now the interesting point here is this. Not the judgment about usury, which was of course common. Think of Aristotle's judgment of this in the first part of the Politics. The interesting thing is the preference given to cattle raising rather than to crop raising. I haven't the time to look this up and check it, but if my recollection does not deceive me, cattle-raising does not play any role in Xenophon's Oeconomicus. Now this is always an interesting problem. You must not forget the fact that cattle-raising, at least in the style in which Cato speaks of it, goes of course together with the devastation of arable land. And this has very much to do with these large estates, which, according to a Roman historian, destroyed Italy. And it is quite interesting to see that Cicero accepts this statement in favor of agriculture, or rather of cattle-raising, without any discussion.

Another delicate moral problem, which also shows the concessions to human pride, and all this sort of thing; you find in paragraph 51 (page 221)

Again, the following rule of duty is to be carefully observed: never prefer a capital charge against any person who may be innocent. For that cannot possibly be done without making oneself a criminal. For what is so unnatural as to turn to the ruin and destruction of good men the eloquence bestowed by men? And yet, while we should never prosecute the innocent, we need not have scruples against undertaking on occasion the defence of a guilty person, provided he be not infamously depraved and wicked. For people expect it; custom sanctions it; humanity also accepts it.

You see, in the grammar that is only added as a last point with an "etiam", an also. The primary consideration is that the multitude like that. The second is the custom; the custom tolerates it. The multitude wishes it, custom tolerates it, and humanity, humaneness also bears it. Now read the sequel.

It is always the business of the judge in a trial to find out the truth; it is sometimes the business of the advocate to maintain what is plausible, even if it be not strictly true, though I should not venture to say this, especially in an ethical treatise, if it were not also the position of Panaetius, that strictest of Stoics.

You see, that is a very interesting question which is as real today as it was in Cicero's time. Can the defense lawyer leave it at the consideration, it is not my business to find out the truth? But rather the business of the judge or a jury. I will state the case for my client as strongly as I can, even if I know that he is guilty. Now the stricter man would have said, of course, I won't do it. But it is interesting that Cicero, here armed with the authority of a very severe moralist, Panaetius, says this. If Panaetius had not said it, Cicero would not have thought it wise to say it.

(I was going to say that it might fit in with his view, aside from the authority of the moralist, on the assumption that the best thing for the commonwealth that accused men should be well defended, even though this may mean that a guilty man goes free) But if you read this carefully, I believe that the crucial point is—"for it is the business of the judge in judicial causes to seek the truth; but for the advocate sometimes what is similar to the truth (the plausible or probable); even if it is less true (literally translated)." To put a favorable construction on a given action; that is not necessarily an untruth, but it might be. Even if the client thinks he has done something very dirty, sometimes a man may be deceived about his own motives. That could be. I know that. But still it leads to a great weakening of the clarity we would wish to have. Because if that is so you can rightly raise this question. Let us take an honest lawyer (and among the Romans Cicero would not of course get any payment for what he did, but rather undertook it as a public duty), and one can rightly say that the danger of the condemnation of innocent men is so great that the greatest protection must be given to any defendant, at the danger of some crooks going unpunished. One can say this. It is a well-defensible position. And the difference between right and wrong remains fundamentally. It is only one of borderline cases. But once you grant that you have no reason to doubt that there will also be borderline cases in politics. You know, the case of the spy to which we referred earlier. And that is the point. I believe that the wise men of antiquity admitted that there is a certain area where things become dark, and where the wisest thing to do is simply to stay away from it, have nothing to do with it yourself. Which is not a perfectly satisfactory solution, because you must admit the necessity that others do it. And what people like Machiavelli do, and in ancient times people like Carneades, is that they say--there is a shaded area, and this shaded area throws light retroactively on non-shady justice. Because of the link-up. And Machiavelli, going a bit further, says that all non-shadiness is based fundamentally on a shadiness. That is clear. But clearly it makes an enormous difference whether you make this complete switch, which Machiavelli makes, or whether you admit the existence of the shady area without drawing these other implications. Later in the third book we will find some nice examples where Cicero takes a very strict view; but also because that was not

his profession. One must consider that. And that was straight business. To cite an example. You want to sell something. Are you not as an honest businessman obliged to tell all the defects of the merchandise to the buyer. The strict Stoics, whom Cicero follows there, say you must tell everything. In this connection, then, you must advertise—"stinking, rat-infested, absolutely unhealthy house for sale." And you must not say, "healthy house in wonderful repair in beautiful location." And Cicero says you have to give an honest picture. Now what follows in practice? Some crook would buy it for a song, and then next day there would be an advertisement . . . Yes? Good. But Cicero does not here consider the difficulty. The law, in its wisdom, draws some crude lines somewhere. The Roman law was very simple on this score, caveat emptor—the buyer should watch. We have some limitations on that, but of course not absolute limitations. That is a similar case. Now decent men stay away from this kind of thing, strictly decent men. People of a more genial decency do not stay away from it. And that affects somehow the decent man, because they have to admit this necessity. Or else you have to have a perfect dictatorship of the just. You know, where such things could not happen. And that has other disadvantages, with which we are now very familiar.

Now there are many other things which we should consider, but we don't have the time to do that. The only thing which we must keep in mind, because that is very important for the whole position, and that is the discussion in paragraph 5-6, where Cicero teaches, in a way contradicting the whole thing, no virtue without philosophy. What light does this throw on the kind of morality taught here? One thing is clear, it is a lower morality. That is true, but we must follow this up,
(End of lecture,)

Now I liked particularly that you have been aware throughout, from the beginning to the end, of the crucial fact that this is a popular book in the very precise sense of the term. It states the rules of conduct for non-wise men. And therefore one has always to wonder what would be the rules of conduct for wise men. And, fortunately, Cicero gives some indication of that. And I was glad that you remembered this very important passage of Scipio in the first book of the Republic.

There are two points where I am not sure whether you are right. You drew a certain conclusion from the references to the civil law, to the positive law. If I understood you correctly, when reference is made to the civil or positive law that means that is not to natural right. That it is a deviation from natural right. But that would need to be proved in each case. Because it is conceivable, of course, that a certain Roman civil law formulates what in fact is natural law. That would need an argument. In the case of oaths that might be of some importance.

And the last point in connection with that is the question of terminology. You seem to assume that the *ius gentium* is not the *lex naturalis*.

(It the *lex naturalis* seen as a law for all men regardless of their wisdom, is the way I understood it.)

Well, I do not know. You may be right, but I simply do not know. Perhaps we take up first the three passages which I noted, there may be others, which are relevant for the terminology. First we turn to paragraph 23, which seems to confirm my view rather than yours.

But this principle is established not by nature's laws alone (that is, by the common rules of equity),

That means, *iure gentium*, by the law of nations. You know, law of nations in the pre-modern sense did not mean international law but law acknowledged by all nations. The *ius gentium* came then to mean in the 17th century, in an entirely new usage, international law. That was not so earlier. Continue.

but also by the statutes of particular communities, in accordance with which in individual states the public interests are maintained. In all these it is with one accord ordained that no man shall be allowed for the sake of his own advantage to injure his neighbour. For it is to this that the laws have regard; this is their intent, that the bonds of union between citizens should not be impaired; and any attempt to destroy these bonds is repressed by the penalty of death, exile, imprisonment, or fine.

It is very good that you emphasized the word "citizens". That's it. Whereas the law of, the natural law as we can say is concerned with the preservation of the whole human race, and not only the specific community. And now go on.

Again, this principle follows much more effectually directly from the Reason which is in Nature, which is the law of gods and men.

More literally translated, "which is that law divine and human." But I think that the interpretation of the translator is in the case correct. Meaning the laws pertaining to gods and men rather than the law stemming from gods and men. That I believe is so. So here it

seems we have an identification of the natural law with the *ius gentium*. In a famous Roman law text the distinction is made between the two. And the distinction is roughly this—that the *ius naturali* is that which nature taught all animals, as self-preservation and procreation, and *ius gentium* were then where the natural reason of man comes in. And so that, according to that definition, the natural law is sub-human, you can say, and refers to man only in those things which he shares with the animals. And the *ius gentium* would be the natural law in the traditional sense of the term, in so far as it refers to the specifically human. But that is really another story, into which we can't go here. Here Cicero seems to identify the natural law and this *ius gentium*. I believe that is of some importance to you, Mr. Holton, this whole question. You are aware of this?

And then we turn to paragraph 27.

And further, if nature ordains that one man shall desire to promote the interests of a fellow-man, whoever he may be, just because he is a fellow-man, then it follows, in accordance with that same nature, that there are interests that all men have in common. And if this is true, we are all subject to one and the same law of nature; and if this also is true, we are certainly forbidden by nature's law to wrong our neighbour.

Here I note only that the term, the law of nature, is used twice, and I would say in the same meaning as in the first case. What was called *ius gentium* is not called *lex natura*, the law of nature.

The last paragraph I have in mind is 69.

Owing to the low est of public sentiment, such a method of procedure, I find, is neither by custom accounted morally wrong nor forbidden either by statute or by civil law; nevertheless it is forbidden by the moral law.

By the law of nature. Why does he say here moral law? Here you have only the clear distinction. Now read the immediate sequel.

For there is a bond of fellowship—although I have often made this statement, I must still repeat it again and again—which has the very widest application, uniting all men together and each to each. This bond of union is closer between those who belong to the same nation, and more intimate still between those who are citizens of the same city-state. It is for this reason that our forefathers chose to understand one thing by the universal law and another by the civil law. The civil law is not necessarily also the universal law; but the universal law ought to be also the civil law.

What he calls here the universal law is the *ius gentium*. *Ius gentium* is what he somewhat freely translated by universal law. Continue.

But we possess no substantial, life-like image of true law and genuine Justice; a mere outline sketch is all that we enjoy.

So, in other words, we, ordinary people, do not have a full understanding of this *ius gentium*, or of the *lex natura*, and therefore let us stick to the Roman law, because that embodies it to some extent. Now this much regarding the question of the terminology. Now let us turn to the issue.

Now the issue is, of course, not that values are arbitrary, so

that any opinion regarding conduct is as good as any other. It is, rather, the opposite. The principles of morality are not only not arbitrary but clear as well. And compliance with them is indispensable for self-respect. So, there can be no serious disagreement from Cicero's point of view as to the principles of morality. Therefore considerations of expedience can come in only within the limits set by morality, by the *honestum*. That is to say, in morally indifferent matters. For example, whether you buy a blue shirt or a white shirt is absolutely indifferent. And here that is merely a matter of expedience—whether it is expensive, whether it suits you better, and so on. That is not an interesting question. But in all interesting questions we have sufficient knowledge of the principles. Now if this is so why does the question of expediency come up at all? I mean, after all, Cicero didn't want to give us advice as to how to transport ourselves in the most convenient way from Rome to Arpinum, or *visa versa*. That would be a question of expediency, and absolutely uninteresting. Why does this come in at all? Why does he go so far as to identify morality with expediency? There is a passage to this effect, where he says these are only different words for the same thing. Why does he do that? Why not forget about expediency? Because these questions are obviously utterly uninteresting, for us as serious men. We want to find out what is *honestum*, you know, what is morally good. And who cares for the expedient. Why does it come in at all?

(Well he says that there are certain actions where it is difficult to know whether it is one of these high grade or low grade actions.) But does it not mean that that is the case in which it is difficult to know what is moral. Let us not be deceived by usage. If the usage, which says, here is morality, there is expediency—he talks in these terms all the time—if this is wrong because the moral is identical with the expedient, let us no longer be fooled by usage, and let us forget about it. But why is Cicero compelled to make this equation at all? Or why is he compelled to go beyond the consideration of justice or morality into the expediency question at all? I mean let us really try to begin absolutely at the beginning. We all know somehow what a decent man is. In a general way. And Cicero tells us that this is the only thing which counts. And we have heard this also from others, and it has a certain sense to it. Let us then ask whether this is a perfectly clear and wholly unproblematic position. My first suggest is, following Cicero, forget about expediency all together. Why does Cicero not completely forget about it? Why does he say so much? He devotes a whole book to the expedient as expedient in contradistinction to the *honestum*, to the moral in book one, and in a way in book three. Why does he do that? Why must he go beyond this bald statement that we are aware of the content of morality, of the decent and just, the noble and just, and this is the only thing which counts? Why must he go beyond that bald statement?

(Because that morality is sometimes what the law requires and sometimes we have to go beyond that in extraordinary situations.) Let us forget about the law. Perhaps the law is altogether immoral. I mean, that is a secondary question, the relation of morality to the law. Let us forget about the law. The law may be entirely immoral and then we would have to transgress it if we wanted to . . . inaudible . . .

(It is not so clear what the law tells.)

I see. So, in other words, the assertion that the only thing which counts, or that the thing which counts most is morality needs some proof. Now how is the proof given here, in the most general terms? To repeat. To prove the supremacy of morality means to find the basis of morality. That is the basis of the discussion. What is that basis? Nature. And so we go then back . . . And how . . . Now if we seen then that morality must be understood with a view to nature, does this help us a bit in understanding how the distinction between the expedient comes in. I use now, for convenience's sake, moral as the translation for honestum and the word expedient as the translation for utilis. Now where does it come in? Look at natural phenomena which belong to man's nature. We don't have to speak of lightening, in particular, or such things. There are quite a few things in us which we would not, as such, regard as moral, nor necessarily immoral. Which are non-moral. Shall I give you an example? Digestion. But there are other things which —or breathing, you know. More generally stated, must morality not be compatible with human life. And Cicero answers, of course, yes. And here is where the question of nature comes clearly in. Human life, the needs of men, this is not the same consideration, simply, as that of the moral. Because quite a few of these needs are in themselves morally neutral. And therefore we cannot exclude, prior to investigation, the possibility of a conflict. This is one point,

Now, whereas Cicero tends to say, and exaggerates a bit, that the just as the moral and the useful are identical, he makes clear one point, beyond any shadow of a doubt, that another conflict does not exist at any moment and not even apparently. And what is that? That is toward the end. Cicero speaks only of the relation of the moral and the expedient. What about the relation of the moral and the pleasant?

(Well, the pleasant is . . . inaudible . . .)

I think he goes even beyond that, doesn't he? Does he not say something much more radical, in paragraph 119 (page 401), at the beginning.

As I have shown that such expediency as is opposed to moral rectitude is no expediency, so I maintain that any and all sensual pleasure is opposed to moral rectitude.

Every pleasure is opposed to moral decency, therefore we do not have to worry for one second about voluptas, about pleasure, because that is intrinsically indecent. A harsh assertion. But, at any rate, it facilitates the discussion because we can dismiss it completely. Because in the case of pleasure and morality the conflict would be obvious. Pleasure as pleasure tends to conflict with morality. Therefore Cicero has only to show that the moral and the useful are identical. He can forget about the pleasant as pleasant. Now how does he show this. That we must see. I think what we first need for our own clarification, before we can turn to Cicero, is what is the expedient as expedient, the expedient as expedient. When we mean, prior to a deeper investigation—the deeper investigation may show us that the expedient is identical with the moral—but primarily, when I say this is expedient, which is the same as useful, I do not mean that it is moral, nor do I mean that it is immoral. It is amoral. That is a different point of view. Now what do we understand, if we try to take our most simple common notions of the useful and if we bring them all together under one heading. How would we call that?

(Advantageous)

Then I am afraid you replace only one word by another. Because what we call the expedient we could also call the advantageous or also the useful.

(The means for the accomplishment of a given end.)

That is also a verbal change.

(Self interest)

Self interest, we can say. But what does that mean? I mean let us try to enlarge it a bit. Self preservation, would you include that in self interest? But it is probably more. I mean if a man is concerned with keeping himself alive and not have a bit more than is absolutely indispensable for living, for keeping body and soul together, would you call such a man a selfish man in the common sense of the term? Shall we try it a minute with a notion, which we know from Locke, comfortable self-preservation. And the question would be what is the relation of comfortable self-preservation, which includes the things to which you referred last time—power, wealth, prestige included, to mere life. Mere life must never be forgotten, because you cannot be wealthy if you are not alive. So comfortable self-preservation might do to begin with. I am perfectly willing to retract it and have it replaced by a better one if something occurs to you. Is this not the question? Whether comfortable self-preservation may not come into conflict with morality?

(It seemed to me that there was, ... Well, I don't know whether this is out of place here, but it seemed to me that there was a conflict, you know, a real thing in here that what Cicero has been thinking of in the notion of expediency, whereby you could identify it with the moral, is the notion of happiness, which includes both.)

Good. Very well, but if we do that I believe we arrive at the same conclusion. Because if I take the simple Aristotelian formula, which can be algebraically expressed, happiness equals virtue plus equipment. That is a noble man. But there are things which he somehow needs for acting nobly, things which he must have. If he wants to live nobly in the full sense he must be a man of some means. How can you be generous and liberal if you don't own anything? How can you be hospitable if you yourself have to sleep on a bench in a park or under a bridge? So you need equipment. Now what Aristotle calls equipment, surely, here one can also call, at least sufficiently for our present purposes, comfortable self-preservation. That is needed. Happiness is not precise enough because it includes both. And we are concerned with the relation between virtue and equipment. So there can be a conflict, obviously, between virtue and equipment in this way, that if you try to get the equipment you may do this in an immoral way and you may do it in a moral way. But the concern with equipment as equipment is a different one than the concern with nobility as nobility. And that shows as well in the fact that there are courses of action which are taken identically the same way by the moral and the immoral, by the squares and the crooks. Many of them. For example, if you jump on a trolley car. That the one runs away from the police and the other is going to his office doesn't do away with the fact that this action,

the jumping into the trolley car, is the same. And so on. Now the two are surely not identical. This much is clear. But one can also say, granted that these two are different considerations, the relation of the two is also simple. Ruthless subordination of the comfortable self-preservation to the (inaudible) of virtue. Whenever you, for example, you would like to be richer than you are. You have to raise the question, are the ways in which you try to do that decent or not. If it is decent /not decent?/, why not? Although the desire for wealth is not in itself inspired by concern with decency—it is in this sense morally neutral—yet it is subject to it. And what Cicero is really driving at, what Cicero expects is this—the sacrifice of the expedient to the extent to which it conflicts with the moral. But Cicero does, however, more. He says that immorality is always inexpedient. In such cases the subordination of the expedient to the moral is always expedient. Is that understood? And here is where you had a difficulty.

(Yes. I think some of his arguments are specious.)

Now let us consider that. Someone tries to get rich by hook and by crook. Of course he has to be watchful. I mean there are laws, there are courts, and law-enforcing officers and so on. And therefore he must be very clever. He can have the help of very crooked and clever lawyers, who can show him the borderline cases where a court will not easily condemn or may not condemn him at all, and so on. But why is he really foolish in doing that? Although he can get away with it? We would fool ourselves to say one cannot get away with it.

(He seems to say that in the long run, or psychologically, or something in that term, what apparently was expedient will turn out to be inexpedient. But you can always raise the question how long do you have to wait. In the case of Hannibal it wasn't until the Romans beat him again.)

Or let us take the other case. We can also turn it around. Let us take the case of a perfectly moral man who wishes to have comfortable self-preservation only within the limits of decency /who/ may by his very decency get very uncomfortable. The case as stated by Glaucon. That his very decency may repel his fellow citizens. He may very well be a difficult fellow to get along with, and become unpopular. And somehow he passes the "sin corner" on 63rd street and a lady is framed to say that he committed an unnatural act with her. These things may happen. Something of this kind did happen, as I read in the newspaper. He is condemned to prison. The appearances are absolutely against him. He did enter this house at the same time as this lady did—if she was a lady—and the photo was taken of them at the same moment. And so the judge, even the fair judge, has no choice under the circumstances except to condemn him. In a way it is a consequence of his justice, because his justice made him unpopular. And therefore people framed him. Could this not happen? So there is really a problem, and you think Cicero's argument here is too simple?

(Yes)

Now you wanted to say something?

(My question was answered.)

Now I believe there is another question, which is by no means identical with that, but somehow linked up in Cicero's mind with that. And perhaps we can see also this. And that is the precise meaning of the moral. I mean in this case the situation is perfectly clear—the just man at sin corner. He was a just man and was not unjust, but this harmony between expediency and justice was destroyed by his justice.

(I don't see how he was destroyed by his justice.)

Because his justice made him unpopular.

(But that wasn't the cause of his being caught and condemned.)

But it led....Well if you take this case, and such things have happened, that his unpopularity induced this wicked man to frame him.

(I see.)

That is clear.

(Just out of spite, you mean.)

Yes, sure. And also to get rid of someone who, as this man Mr. Smith, you know, who denounced this illegality there to the authorities. I believe that was the case. I have been told by one of our students that this particular man may have been guilty of the act of which he was accused. You will read the full story of that in a doctoral dissertation in about half a year. And I am really looking forward to that, to the true account. But let us not lose our way and, therefore, let me state this other problem as clearly as I can. Here it is not a question of the relation of justice and expediency, or morality and expediency, but as to the precise meaning of morality. Sometimes people say this is immoral but expedient. But a better understanding would show it was moral. So that is a misconception of morality. Is there a connection between these two questions? Now the first question is morality and expediency... (inaudible)...and where only it is asserted that they are similar. By similar I mean here always in harmony, morality and expediency. Now we are confronted with another case where, how can we express it, the ordinary man would say something is clearly immoral but expedient and a closer student of the matter would say it is moral. You remember that is the subject which comes up. Is there a connection between the two things.

(Well this would still hold. The seeming violation of morality would be a seeming violation.)

Yes, sure, that is clear. But is there a connection between the two? I believe it is this. When we think this through, we see that this similarity of the two, that while it may generally speaking be true that honesty is the best policy, that this is not universally the case. Therefore, in order further to defend the case of morality we proceed in a different way. And we raise this question, granted that it is not so simple, morality is not simply expediency and vice versa, but it is not so frequently inexpedient as many people say it is. Because in some cases people regard as immoral what is not truly immoral. This is somehow linked up with the question of the two moralities, the morality of the wise man and the morality of the non-wise man. Whether I can make this

clear now I don't know, but let me try. How shall we proceed. How does the error regarding morality arise? We understand morality in too rigid a manner, and therefore a man who deviates... Well, you have a rule, every promise must be kept, and now you make a promise to a pirate, and you think you must keep that too. And Cicero says you are wrong. You do not have to keep that promise. The rule is not simply, every promise must be kept, but, say, every promise not made under duress must be kept. That would be the qualification.

(But even that is qualified later on.)

All right. But why make it unnecessarily complicated. But perhaps we take that up. Why is it qualified later?

(Inaudible)

Perhaps this is connected as follows. If it is not clear I will try to explain it again. Let us assume that these strict and rigid rules are those of the morality of the wise man. Let us try to consider this. Then if these rules are meant to be applied by non-wise men, a difficulty arises. And I can also... (inaudible)... Because in the case of the wise man the ... (inaudible)... are obviously expedient. The complete coincidence you have there. He is enabled by living on these principles to do his job. So the moral rules as applicable in ordinary life cannot be as ~~strict~~ rigid. There are two ways in which we can solve this problem. The first is to say you simply have to make a primary deviation from the rule of the wise, say in regard to property, you know, Scipio in the Republic, no private property. You have to introduce a non-rational principle, say private property as such regardless of the moral qualities of the owners, and act on this principle. And then you can reach a certain set of values, and perhaps even universal rules, for example, never to take away, never to rob, never to steal, and this kind of thing. But then of course you are confronted with this embarrassment that the whole order itself is not perfectly sensible, not perfectly just. The other way, however, would be to say, no, we simply take the rules of justice in the highest sense and conceive of them as much more flexible than they are. And in this case you would arrive at the conclusion that there is not a single rule which as rule is universally valid. But then of course you have this problem. Granted the extreme flexibility, the most extreme flexibility, you must have a principle governing the flexibility. Let us take a simple example, as presented both by Cicero and by Plato. Returning deposits. It is a clear principle. But not in all cases. For example, if you have borrowed a gun, and the owner has in the meantime become more or less insane, as you can determine by his actions, and you know that he hates someone else so that if he can lay his hands on a gun he will kill him, of course you cannot return it to him. What is the principle involved? In this deviation from the principle? You say that I return deposits but not a gun to a madman. But what is the principle in this? Because it is only an example. The deposit is a gun and the depositor is not a madman. You have to have a universal principle for that. What is that?

(What is reasonable.)

Yes, but you want to know what reason tells us.

(You shouldn't harm another person.)

Yes, that is what I was driving at. In other words, the qualifying principle is return deposits provided that it is compatible with the well being of the fellow man and, in principle, with the well being of all human beings. Because that is the principle Cicero returns also to in the end. We must act in such a way that our actions are inspired by a universal fraternity, or by a consideration of the natural society consisting of all human beings. And that, of course, also acts as a principle for the conduct of states. Because the states too are subject to this higher law, that they consider not only their self interest but the interests of the whole human race.

I can only repeat this point, which must be elaborated much more clearly, that I think there are at least these two different considerations, which are not clearly separated as far as I can see in Cicero. First, the simple relation to morality to expediency. To which he gives an answer, which may not be completely satisfactory but is clearly an answer. The second one is the complexity within morality itself. Are the rules of morality as rigid as they are frequently understood? And then, of course, if they are as rigid as they are frequently understood, we find frequently a conflict between morality and expediency. But this suggests the following point. If the moral rules must be understood as flexible, more flexible than they are ordinarily thought, and if the consideration of this flexibility brings about the agreement with expediency, is not then morality as a whole guided by the consideration of expediency in contradistinction to morality? So we must in a broad way have expediency in mind if we speak of morality, and since expediency is admittedly very variable, must morality not reflect this variability? But someone had a question?

(Inaudible...a per se effect of an action and an accidental effect of an action, and perhaps with this distinction, then there would be an equation between the moral and the expedient, without taking morality itself judged by expediency.)

What do you mean? Give an example.

(To give an example. In the case of the man who is just, strictly speaking, his being framed and punished and condemned to jail, is an accidental effect of justice, though it is a per se effect of the injustice of the society in which he lives, of the law within that society. I mean we should not eliminate the problem altogether but we should consider the accidental character of this.)

Yes, there is no question that.... But still, is it not true that under certain conditions, justice—I mean the problem discussed in the second book of Plato's Republic in such an impressive way—that the just man might by virtue of his justice get into very great troubles, which might include capital punishment, lynching, or what have you. And whereas unjust men who are extremely clever may get all the comfortable self preservation they want.

(But it is precisely this judgment that I was questioning. Now I don't mean to eliminate this as being a problem in that man's life, in so far as it regards his comfort. Except as regards the judgment that this is due to his justice. I think that is false. It is just by accident that his justice is the cause. The real cause is the injustice existing around him.)

Yes, but the question is simply this. If it is asserted, if someone says, we have to act justly, and that is the more important consideration in our lives, regardless. That is perfectly defensible. But when he says at the same time, in this way you will acquire comfortable self-preservation, while in the other case you will get discomfort and destruction. Then it is naive. There is a beautiful comical presentation of that in a French comedy, which is really a comedy old-style; Monsieur Topas. Have you seen it? It was shown in the movies and everywhere. Well there is a very simple tutor in the house of a Paris racketeer. And he teaches the illegitimate son of the mistress of this racketeer. And he teaches all the time, virtue is rewarded, and vice is punished. And, as proof, the vicious man going to jail and executed and the good men becoming deputies and ministers and Presidents of the Republic and what have you. He really believes that. And then he gradually discovers that this racketeer, who does quite extraordinary things through the corruption of the Parisian society, lives very happy, in the vulgar sense of the word. And then it becomes clear to him that his original equation, virtue is equal to expediency as he understood it, is wrong. And since he is very logical, he eliminates it and replaces it by its opposite. And he acts on it. And he is amazingly successful. It is really a very nice comedy, although it can't be as simple as that.

"Now let us turn to particular cases. Let us turn first to paragraph 73.

(Will you clear something up for me. Have we completely deleted the discussion of pleasure from the entire book?)

That is what Cicero says. We take up the question of pleasure and pain when we come to the first and second book of De Finibus. But there are references also to it in the other books of De Finibus.

(So comfortable self preservation is the only consideration here. And comfortable self preservation is the only thing which conflicts with...)

Well, that is a provisional statement of mine in order to bring out very clearly what that is which is not as such immoral.

(Let us say that the wise man is given 750,000 English pounds and ordered to dance in the Forum. I could understand Cicero not wanting his son to dance in the Forum. Although I could imagine that there are some wise men who might want to. But, on the other hand, what would the wise man do with 750,000 pounds?)

Establish a really good college.

(Well, wouldn't there be some pleasure associated with that?)

Well, that is another question, and I am sure that that is a gross overstatement of the issue which you have here, which Cicero makes.

(But isn't there an issue involved here in some way? What would Cicero do with 750,000 pounds if he had it?)

Cicero is, as he admits here, not a perfectly wise man.

(He is not a perfectly happy man either.)

Sure. But let us first read paragraph 73-74.

(Doesn't that impoverish his argument?)

Oh, Yes.

(If I were Cicero's son, I think I would have some doubts.)

Well, I do not know the situation of the son, whether he was as clever as you are. But now let us see the case discussed in paragraph 73-74, bottom of page 343.

Certain individuals brought from Greece to Rome a forged will, purporting to be that of the wealthy Lucius Minucius Basilus. The more easily to procure validity for it, they made joint-heirs with themselves two of the most influential men of the day,

Famous orators.

Marcus Crassus and Quintus Hortensius. Although these men suspected that the will was a forgery, still, as they were conscious of no personal guilt in the matter, they did not spurn the miserable boon procured through the crime of others. What shall we say, then? Is this excuse competent to acquit them of guilt? I cannot think so, although I loved the one while he lived, and do not hate the other now that he is dead. Be that as it may, Basilus had in fact desired that his nephew Marcus Satrius should bear his name and inherit his property. (I refer to the Satrius who is the present patron of Picenum and the Sabine country--and oh, what a shameful stigma it is upon the times!) And therefore it was not right that two of the leading citizens of Rome should take the estate and Satrius succeed to nothing except his uncle's name.

What do you say to this case and to Cicero's judgment of it? Well what would you say to a lawyer today who would do it? Who has a suspicion that there is a forgery, but says I haven't committed the forgery and the documents are correct. Well it is certainly not a serious moral problem.

(Are you saying that today it is not a serious moral problem?)

No. I mean would you for a moment act on that?

(You mean act on my suspicions? I don't know how I would act. I should hope I would...)

That I mean by not a serious moral problem. I don't know whether you are corruptible, but as to what it would be proper there would be no question. What is the practice today among the respect /respectable?/ lawyers in the face of such a situation?

(Inaudible)

In other words, it is his duty to go into that.

(Oh, yes.)

And not simply take an exorbitant fee and say...Yes. Rather un-exacting I thought of Cicero.

Now let us turn to another passage, in paragraph 88. We will come back, if we have time, to the other questions later. The end of paragraph 88.

Curio, too, was wrong, when he pleaded that the demands of the people beyond the Po were just, but never failed to add 'Let expediency prevail.' He ought rather to have proved that the claims were not just, because they were not expedient for the republic, than to have admitted that they were just, when, as he maintained, they were not expedient.

What does this amount to?

(Letting expediency dictate...)

But does not the question here then become a verbal one? I mean, if the moral is that which is expedient to the community, to the state. I mean, if you say that the Gauls should, or that it avails the Gauls to plant wine in order to keep the olive price higher for the Italian producers—if it is as easy as that... You know? I mean that is an easy way of disposing of the problem.

(That is what he seems to be doing here.)

Yes.

(I was wondering if I could make a comment. I get the impression in reading the third book that this seems to be what Cicero was doing. But then I got the idea that, well, in setting down rules, if what he says is true... (inaudible)...that you can't convince the people, then, while saying the way the good of the community can be provided for is that if we can bring about the frame of mind where they will not ask this question, but in all questions of expedience will ask whether it is just, this is sufficient. And that this is what he means by his example here. It is that his approach was all wrong, that his approach should have been not to create a dichotomy between the two but to act on the equation of the two.)

But an equation is really not quite feasible, because we call many things useful or expedient where no question of the moral as moral arises. You can say that there is a sphere of the morally neutral, the morally indifferent. I mean the simple equation of the just, or moral, and the useful is simply not feasible. I mean take these infinite

neutral actions, like jumping on a trolley or hiring a cab, which has to be done the same way by the most decent and by the most indecent men. And there are also inept ways of doing it. Or opening a tin can, or whatever you think of. The distinction is necessary. The real problem, I mean the problem which Cicero has in mind is, of course, whether expediency viewed with regard to the whole life coincides with the moral. The way in which he tries to do that is this, of course. The core of morality is justice. Number one. Justice is concerned with the common good. But the common good is my private good, too. Therefore, by dedicating myself to the common good, and even to the common good of the human race, I do by this very fact the best for me. Now the question is that it is not so simple in practice as it is stated here. If you speak of the individual society, it makes much more sense than society at large. And therefore the difficulty was never so much the citizen of the individual state but that of different states in the relations to one another. There sometimes a state derived rather lasting benefits from oppressing others. And if you say, yes, but they perished, one can of course answer, the just states too. That does not depend, unfortunately, on their justice or injustice, but on the armament and the willingness to fight. That is of course the great difficulty which appears immediately.

(I mean, if it takes the (inaudible) of the wise man, of the truly good man, to decide both what is wrong and what is good and what is expedient. Leaving aside these neutral cases, because to all intents and purposes the neutral cases are no problem. So in the cases where there are (inaudible) and if in the end there is an equation through the notion of the common good, which cannot be determined either from the point of view of expediency or from the point of view of morality except by the wisdom of the wise man, then for anybody less than a wise man the proper rule is to consider expediency in terms of justice and decide... (inaudible)...))

Is this so. In the first place, this wise man of whom you speak is not necessarily the wise man of whom.... You are speaking now of the good statesman.

(No, I'm speaking of the wise man in Cicero's sense.)

But there the question arises immediately, as a wise man can he accept the ordinary property principle—that one property owner is as good as any other and any questions which have to be decided must be decided by disregarding completely the character of the man. In the one case he may be a playboy, the other may be a very respectable father of a family of ten children. If it is a question of law between them, that is not taken into consideration. You have no right to take away property from a playboy any more than from a very hard-working poor man. And, from the point of view of a wise man, from the ultimate point of view that would be an important consideration. Of course it does come in in practice to some extent via equitable considerations. I know that. But that doesn't do away with the fact that the whole property order as such is a necessary concession, because of the impossibility of the rule of the wise. But this creates some embarrassment, you know, which we frequently have, even in the fairest decisions by judges sometimes. You know, that this is only an external kind of justice which is done. And more than that cannot be expected.

Now let us read in paragraph 101, the third paragraph

People overturn the fundamental principles established by nature, when they divorce expediency from moral rectitude. For we all seek to obtain what is to us expedient; we are irresistibly drawn toward it, and we cannot possibly be otherwise. For who is there that would turn his back upon what is to him expedient.

You see, that is interesting. That applies universally to all men. He doesn't say that all men seek nothing but decency. He says all men seek the useful.

Or rather, who is there that does not exert himself to the utmost to secure it? But because we cannot discover it anywhere except in good report, propriety, and moral rectitude, we look upon these three for that reason as the first and the highest objects of endeavour, while what we term expediency we account not so much an ornament to our dignity as a necessary incident to living.

So the distinction is perfectly clear. And that utility is something essentially lower than this morality. And therefore the question arises, since there is this disagreement... (inaudible)...

Now let us take a special case in paragraph 93

(End of reel; a few sentences were lost in the course of changing reel.)

...should he keep his promise or not? I wish he had made no such promise; that I think would have been in keeping with his dignity. But seeing that he has made it, it will be morally better for him, if he believes it morally wrong to dance in the forum, to break his promise and refuse to accept his inheritance rather than to keep his promise and accept it—

So that is perfectly clear. Sure. But now a crucial exception.

unless, perhaps, he contributes the money to the state to meet some grave crisis. In that case, to promote thereby the interests of one's country, if would not be morally wrong even to dance, if you please, in the forum.

So, in other words, all of the specific rules—rendering deposits, keeping promises, and so on, are qualifiable in the light of the common good of the society. And even the common good of the individual society is qualifiable with a view to the common good of the human race. That is the line Cicero takes. In practice there is a supremacy of the common good of the individual society, you know, and therefore Machiavelli's problem, or solution in regard to that...

Then there is also the case of the pirate (paragraph 107-108). If you read the first sentence.

Furthermore, we have laws regulating warfare, and fidelity to an oath must often be observed in dealings with an enemy:

You see, often. Often, not always. Now read further. There is a very strange qualification.

for an oath sworn with the clear understanding in one's own mind that it should be performed must be kept; but if there is no such understanding, it does not count as perjury if one does not perform the vow. For example, suppose that one does not deliver the amount agreed upon with pirates as the price of one's life, that would be accounted no deception—not even if one should fail to deliver the ransom after having sworn to do so; for a pirate is not included in the number of lawful enemies, but is the common foe of all the world; and with him there ought not to be any pledged word nor any oath mutually binding. For swearing to what is false is not necessarily perjury, but to take an oath "upon your conscience," as it is expressed in our legal formulas, and then fail to perform it, that is perjury. For Euripides aptly says:

"My tongue has sworn; the mind I have has sworn no oath."

That was regarded in the classical literature as a very wicked sentence. Only the tongue has sworn, but the mind has not sworn. That is the meaning of oaths if they can be so conveniently eliminated?

But what about the distinction? In the case of the pirate or any robber, promises are not valid. In the case of a legitimate enemy if you promise, it is valid.

Let us now look at paragraph 110 beginning

"But," they argued against Regulus, "an oath extorted by force ought not to have been binding." As if force could be brought to bear upon a brave man!

Yes, but what was it in the case of the pirate but force? So you see there is a real difficulty here. I don't deny that it is possible to make a distinction between legitimate enemies, where some rules are to be kept, though not all as you know—killing, for example, is good, but not everything. But look at how the situation developed. There was a reasonably strict law of war, that has also considerably changed, and not merely by virtue of technological changes but also by virtue of the character of the enemy. I mean what is the situation when you have this kind of brainwashing, and all this kind of thing? You know the practical significance of a law of war depends upon a certain character of the warring nations. This is very strange. A wise man cannot be forced. No, he doesn't say a wise man. How does he say it?—a brave man, a courageous man. But that is simply not true. As shown in this very book, on page 384 in the case of the pirates.

(He does distinguish between the two cases on the grounds that it is harder... inaudible...)

That he says, surely. That it is wholly unjust, whereas an enemy in a proper war is not an indecent man, of course. That he says. But the reasoning given here—that a courageous man cannot be forced is contradicted by the example of the pirate, where a courageous man under duress, i.e. force, promises to make a payment after having been freed.

The case of the tyrant is also interesting. You also find interesting deviations from the general rule. In paragraph 29. What happens is not only your comfortable preservation but your mere preservation is endangered. Let us see in paragraph 29, page 297.

But, perhaps, some one may say: "Well, then, suppose a wise man were starving to death, might he not take the bread of some perfectly useless member of society?" [Not at all; for my life is not more precious to me than that temper of soul which would keep me from doing wrong to anybody for my own advantage.] "Or again; supposing a righteous man were in a position to rob the cruel and inh man tyrant Phalaris of clothing, might he not do it to keep himself from freezing to death?"

These cases are very easy to decide. For if merely for one's own benefit one were to take something away from a man, though he were a perfectly worthless fellow, it would be an act of meanness and contrary to nature's law. But suppose one would be able by remaining alive, to render signal service to the state and to human society—if from that motive one should take something from another, it would not be a matter for censure. But if such is not the case, each one must bear his own burden of distress rather than rob a neighbour of his rights. We are not to say, therefore, that sickness or want or any evil of that sort is more repugnant to nature than to covet and to appropriate what is one's neighbour's; but we do maintain that disregard of the common interests is repugnant to nature; for it is unjust. And therefore nature's law itself, which protects and conserves human interests, will surely determine that a man who is wise, good, and brave should in emergency have the

"In emergency" is an addition of the translator. It is not in the text.

necessaries of life transferred to him from a person who is idle and worthless; for the goodman's death would be a heavy loss to the common weal; only let him beware that self-esteem and self-love do not find in such a transfer of possessions a pretext for wrong-doing. But thus guided in his decision, the good man will always perform his duty, promoting the general interests of human society on which I am so fond of dwelling.

So, in other words, let Phalaris freeze to death. Because you have to take into consideration the quality of the individual, and not from the point of view of his self-interest at all but because he is much more valuable to society ~~himself~~ and to the human race at large. Many formulations here were taken over by Locke in his Second Treatise of Government. For example, this notion, this hierarchy, if we can call it this way. First, the common utility and then only my own and secondarily to the utility of another individual. You see this very clearly in paragraph 22, I think, bottom, page 289.

For, without any conflict with nature's laws, it is granted that everybody may prefer to secure for himself rather than for his neighbour what is essential for the conduct of life; but nature's laws do forbid us to increase our means, wealth, and resources by despoiling others.

- That is the view stated by Locke. There is a law of nature which takes care of the whole human race. And only within those limits can I take care of my own self-preservation. But, on the other hand, when my self-preservation comes into conflict with the self-preservation of another individual, then my self-preservation has the right of way as far as I am concerned. That is Locke's teaching. And this is one of these things where in the ordinary presentation it is said, well, Cicero/Locke that is substantially the same teaching. But we see here clearly the decisive difference, which is crucial between Locke and Cicero in that case. Our example, which we read in paragraph 29 following, shows that.

(The primacy of the common good.)

In a way, I mean in these surface statements of Locke that seems to be preserved. But I believe that it is ultimately not there. But that is not visible to any degree. What you have visibly is the law of nature which is concerned with the preservation of the whole human race. And you have a right to self-preservation only on the basis of that law and within its limits. But within its limits you are entitled, and perhaps even obliged, to preserve yourself. Now, unfortunately, in the case of scarcity there may be a conflict between your self-preservation and the preservation of someone else. And then Locke says apparently the same thing that Cicero does, you come first. But what is the difference?

(The worth of the individual?)

Very well. That is wholly irrelevant for Locke. Locke starts from the premise of the equality of all men, and what is good for one is good for the other. For Cicero the value of the individual is absolutely crucial. And whenever you come to Locke, don't forget this decisive point. Do you know the reasoning by which this Lockean view, and also the Hobbesian view, is supported? That is very important.

(Inaudible)

But how does he... I will try to answer my question, and in the course of it I hope that you will see that it has some relevance to this. You have a right to self-preservation. And if you have a right to the end--self-preservation--you have a right to the means. But, of course, only if it is the proper means. You have no right to a thing which is wholly useless to your self-preservation. Now the question arises, what thing, or what action is conducive to my self-preservation. Then Cicero, or Plato, or Aristotle, would have said, well, that which a sensible man on the spot would say it is so. Because what an unreasonable man, or a stupid man would say, he might think God knows what is conducive to his self-preservation, that can't count. Therefore, if we follow this fancy of a state of nature, then you can't act that way, you have to find out where there is a wise man and, in a way, you have to obey him. He is your natural ruler. He has a natural authority over you. To which Hobbes replies: How do you know that this guy, the wise guy, does not think as much of his self-preservation as you think

of yours. So that if he gives you an advice, how do you know that is conducive, that it is an honest advice, that he does not really think of getting rid of you? So, you must disregard this inequality completely, and must therefore say that what anybody, however stupid, regards as a means of self-preservation, being a thing or an action, is legitimately a means. And then it follows, necessarily, everything and every action is a means of self-preservation. And of course a war of everybody against everybody follows from this very fact.

(Isn't it possible for the soundness of the advice to override any suspicions you might have?)

Yes, but you can't count on that. Surely it is possible, but you can't count on it. And they want to have a simple, exact teaching without any loopholes. And then you arrive at the conclusion. That is clearly the crucial.... That is, I would say, the reason why and everything follows from that, from this decision that everyone is equally the judge. Other considerations of course enter. But even if we limit ourselves entirely to the question of self-preservation we would see that this is the major difference. And here it is perfectly clear that for Locke and Hobbes a deliberation about the value of different individuals, the different value of different individuals, would not enter. Or differently stated, they really mean what they say—the state of nature, civil society, the social order is absolutely derivative from the individuals as individuals. Whereas from the older point of view, the individual is not an individual properly but by virtue of his being a part of the whole. And therefore in the one case the primacy of rights and in the other case the primacy of duties. Society is first, as Aristotle puts it, the polis is prior, and duties are first. And the simple argument is this, that every human being acquires any rights he might have by the fact that he is preserved and taken care of by others. And, therefore, so to say the gratitude for his upbringing is the primary phenomenon. And the rights, his own judgment and so on, he may claim necessarily come secondary and only within these limits. Applied to the state, the rights which he claims as a citizen are dependent on his duties. And in the Hobbes' scheme it is just the opposite.

(I was wondering in regard to the passage which we read right before this about ... inaudible ... still Cicero would say that this is not enough, I mean in an ultimate sense, because the well-intentioned man presumably... inaudible...on the state. So then even in the case of the wise man, the wise man simply, there must be posited somehow a standard, you know, towards which or in terms of which his decision is made. In order that, to use the term, an objective order of morality...)

Which Cicero does not deny. He presupposes...

(But what is the standard?)

The perfection of the nature of man.

(OK. Now. Does he not somehow assume here that there is a rectitude in virtue, or a rectitude in wisdom, an infallibility. In so far as man is wise...)

Whatever the other books of Cicero may show, and sticking only to the Offices, that is what he does, that is what he assumes. But the question is this. Deviating from Aristotle and agreeing with Plato, he says, he does not admit the man of practical wisdom in the Aristotelian sense. These prudent men of whom he speaks are expressly said to be non-wise men. So, just as the Stoics before him, he takes this radical Platonic view, virtue is knowledge, in this sense at any rate, that virtue is not possible without philosophy. Therefore this whole teaching is a deliberately popular teaching. And this affects somehow the teaching. And you can see it in clear cases, in some clear cases. One was mentioned in today's paper. Take the case of the lax and the rigorous Stoic. The lax Stoic was Diogenes and the rigorous Stoic Antipater. And the question of honesty in buying and selling. Cicero takes here the side of the rigorous one. That is to say, you have to advertise a completely decrepit, stinking, unhealthy house as such. And you must disclose every defect which this thing has in perfect honesty, and not conceal anything. Now that is perfectly intelligible, because if you are always to think of your fellow humans as well as yourself, then that is exactly what you have to do. I would say that is perfectly fine. But there is one practical difficulty. And that is that the average buyer and seller simply will not act on it. The consequence is that some fellow, who may be clever enough to appear as a sensible man, comes to you and says I would like to buy your house. Any roof is better for me than no roof. And you give it to him, say, for ten dollars. And then he does a few things about the house, and a month later you find an advertisement—a new house, or house in good repair, very healthy, and I don't know what. And he will sell it for ten thousand dollars. You know. Do you not as a sensible man have to think of that? Of course, in a given case you could make a stipulation I suppose. You could say I am willing to sell this to you for ten dollars with the condition that you do not sell it except on the basis of the same advertisement. Could you do that? But, assuming that the other fellow is very clever, he would probably find another way out. Probably. And so, in other words, you have to take into consideration a very crude notion of honest dealings on which most buyers and sellers are willing to act. To trace it to its principle, what I am trying to say. Antipater's strict rule would make impossible business. Well one could say... The wise man would say, very well, I don't want to go into business nor to have any business. But society is so constructed that you need business. You need sales and purchases and so on. You can't help that. Is it not therefore necessary to adopt the lax teaching of Diogenes which says you have to tell everything which the law tells you to tell and what the law is willing to enforce, but that you don't have to go beyond that. You see. The same fact, that the house is completely rat infested, I suppose, can be expressed in two different ways at least. In the one you simply state it. And in the other in which... (inaudible)... You can easily figure out what people concerned with money can figure out in such circumstances.

(Inaudible ... the problem of the wise man himself. If the natural law is the wisdom of a wise man, then what is the standard of this wisdom. If the natural law is not something outside the wise man but internal, what is the standard in terms of which this wisdom is judged?)

The demands are too exacting. Of the wise man, on himself. He despises many things that are taken very seriously by the non-wise man. And if the rule of life which the wise man applies to himself would be demand on all men, you would get much less than you get now by virtue of a crude dilution of the natural law. Take an equivalent from Christianity, which would make it a bit more intelligible. A saintly man. One can say this, the natural law as Cicero means it, at least in certain central passages, is what would correspond to the demands of saintliness. Now that you cannot make the rule for all men. And that is to say that you have to allow for a generous injection of non-saintliness to make it feasible as a rule for ordinary people. Is this so difficult to understand?

(Inaudible....on the part of the wise man himself. In other words, it seems that ultimately what Cicero says is that the wise man is himself his own law...)

Well that has no modern connection.

(I know this has no modern connection. But it still seems to me that he has the problem left, see, of establishing the objectivity of the law of nature.)

What does this mean? In the first place that there is such a law. And in the second place its content. That is what you mean? The existence as well as the content of the natural law. But that Cicero did. I mean he did not do it in very great explicitness, but at the beginning when he speaks of the nature of man and the conclusion from it, the four cardinal virtues.

(Inaudible.... But the whole thing still seems to me like circular reasoning. I mean, what is the good life according to nature—that reason should rule. OK. What is right reason—reason according to nature?)

You ask, what is the good life? The meaning of the good life, not according to some arbitrary opinion, but the good life in itself. And the only standard that you can find is the nature of man, the nature of the human soul. Now, very roughly speaking, looking at it you see that man is a social animal, and therefore there is a peculiar goodness possible regarding his living with others, that is called justice, and that there is a particular goodness regarding courage, and regarding temperance. But this goodness cannot be achieved in any specific way if there is not also a proper cultivation of reason. And therefore you also need wisdom. I mean I do not see where the circularity comes in. I mean, the details, that is another matter.

(I mean somehow we go from wisdom to right reason. Somehow you can't escape this, the rightness of reason.)

Perfected reason.

(And then we say, how do we determine in what consists the right reason. And we say, nature. And then we say, what does nature tell us. Namely, that reason should rule. I don't know whether I am making it clear.)

No, really, I don't think you make it clear. We speak of a good life. We all do that. And the question is, how can we get clarity about that and get beyond the level of mere opinion. Answer, I must look at life, meaning here, of course, human life. And if I understand human life as human life, then I have a notion of what a good human life would be. And then I go into these specifics—you know, reason, passion, sociality, and then I get the four cardinal virtues. Or do you mean the question of the sanction in the widest sense of the term?

(No. I don't mean the sanction. I am thinking in terms of the natural law or in terms of the equation of morality with expediency. Somehow they all come together on the highest level. And everything points eventually either to the virtue of justice or the virtue of wisdom as deciding the good here and now, as settling on the common good, according to Cicero. All right. Now I am asking the question. That if nature, if everything points to a decision on the common good now, and if this is what nature means, or what natural law means, and so forth and so on, then there is the question, what determines the rightness of this decision in respect to the common good?)

That can only be answered by giving the details, because you cannot speak about the decision in general. You can only say that it will depend on the quality of the human beings, on the availability of the resources, and what have you. The point which can be said in general is only what is general in that, and that would be the common good. For example, what is the common good of the United States now? This cannot be answered without...

(OK ... inaudible... Well suppose, in a very real sense, the wise man saw that the common good of the society and of the civilization, in other words, ... inaudible ... required that he sacrifice his wisdom and not live according to wisdom anymore. Is not here in this... inaudible... question the highest level of the problem of conflict between expediency and morality?)

In other words, that would be concretely the question whether it is not the duty of the wise man to sacrifice the contemplative life to, say, political or military activities. Is this the question which we are driving at? Cicero discusses that.

(I didn't mean that question. It seems to me that somewhere Cicero has to have a notion of something which is intrinsically wrong, something which no circumstances can ever justify.)

Yes, sure, but ... That he has of course. I mean to the extent to which he accepts somehow the teaching of (inaudible) he surely does. There is no question. But the question is a more subtle one. It is this. That a complete human life on the highest level, the life of wisdom, was higher than the life of the good man as described here. And that the life of the good man as described here is absolutely superior to that of the unscrupulous and low men. That is universally true. There is no question about that. But the question is only can this be spelled out in the form of, literally, universally valid rules. That is the question. Take, for example, the relation of the theoretical and practical life. The intrinsic superiority of the theoretical life, let

us assume that. There is no question. But from this it does not follow (a) that everyone must always go in for the theoretical life—Cicero really rejects this—and (b) even for those who ought to go in for it, it does not follow that they may do that regardless of circumstances. That is the point. In other words, there is an objective order of the ends of man, but this objective order of the ends of man is, because of its universality, not immediately applicable because of the immense variety of circumstances. You know. And therefore you can at the most give rules with great qualifications—just as much as you can or as frequently as possible. You know. Which are by no means meaningless propositions, but which are naturally ... but which need always an interpretation on the spot. Is it possible now? —that which you should do as frequently as possible? You know. And it applies even to such relatively, seemingly simple questions as that of killing. As is indicated by the problem of the tyrant. Because it is not always so clear whether a given individual is a tyrant. There are cases in which it is clear. For example, in the case of Caesar, decent men were not all so sure, contemporaries, as Cicero was that he was such an absolutely wicked fellow. And therefore questions arise. And also think of all complexities coming from the fact that there are independent states, i.e. the possibility of war, and how this affects also peacetime. Under certain conditions you can have a very high level of observance of these rules. In the 19th century there was a fairly high level, generally speaking, in the West. But that is not universally true. And these rules which are observed are then stipulated rules, i.e. positive law. That is the difficulty.

(You said that virtue is knowledge only in the sense that it requires philosophy, ... inaudible...)

Well, as all these famous Socratic statements, like knowledge of ignorance, virtue is knowledge is an enigmatic statement. Not in the sense of Nietzsche's enigmatic statements. That is an entirely different thing. But a statement needing explanation. Needing explanation which can be given. It doesn't retain that status throughout. Now, literally understood, as for example Xenophon tries to give it in the Memorabilia, where he tries to show, where he reaches the conclusion that a man who knows the laws regarding religious worship is a pious man. Do you remember that? Which is manifestly absurd. Because a man may know all the laws of religious worship and transgress all of them. Obviously. And therefore be impious. Or Plato also makes this from time to time, you know, where virtue is simply identified with knowledge without any qualification. That is not what he meant. That is only a kind of half jocular raising of the question. But what he ultimately means is that the true excellence of man consists in knowledge, and that the other excellences of man, in order to be solid, must be either conditions or by-products of that excellence. That I think he means seriously. And that is also what the Stoics meant, although quite a few changes were made there. Whereas Aristotle gives a solution which was much more practical and much closer to what we ordinarily talk about, by saying that the wisdom required for virtue is only prudence or practical wisdom, not theoretical wisdom. And that is, for practical purposes, much more sensible. But Aristotle of course must also make some allowances for the difficulties because, to state

only the principle, that prudent action which is prudent on any level, but especially also on the highest level of the great statesman, is necessarily, although perhaps only by necessary accident and not essentially, impaired by theoretical untruth. A simple case today--Marx sm. Any statesman of the West, however prudent he may be, is influenced by the fact that the adversary is guided by a theoretical view, which he calls dialectical materialism. But such things exist at all times, and not only in our age. But at all times. And therefore the realm of prudence is not self-contained. It has somewhere a hole where it becomes necessary to protect that by theoretical wisdom. And therefore, while it is of course possible to speak of a division of labor between the statesman as prudent man and the wise man who protects the sphere of prudence, still that creates a difficulty. And the simple solution is of course that the prudent man himself must have that wisdom so that he has in his own mind the capacity to defend the relative independence of prudence.

It is really terrible. We should have five hours for each book instead of two hours. There are extremely interesting things in this book. For example, at the beginning, the strange conduct of Panaetius and Posidonius. You know this thing?

(...Inaudible...)

Panaetius raises the question of the possible conflict of expediency and virtue and never wrote that. Yes, that is very remarkable.

Yes, I think these cases themselves, I mean about business things... Yes, to make the application. That is the point which I wanted to make. Now just as in the case of these business affairs, buying and selling, the rigorous logic of the wise man would lead to the abolition of buying and selling, because then of course you would simply give away things. That is what he says. You know, if you are absolutely honest, without any qualification whatever, that leads you, at any rate in quite a few cases, to giving away things. Then the question arises, well, why should you not give them away in the first place? Why think of yourself? I mean apart from the mere immediate needs, that you have a bit of food and some water. Why be concerned with private property at all? And if you think this through you reach this notion of the life of the wise man, where all these enormous questions of the practical and political life do not come in at all. And since this is presupposed to possess an intrinsic superiority, the whole dimension of practical political life appears as one of a diluted humanity, diluted with a view to the grossness of the human race, of most men. But not of all men. Because that would simply be the gross blunder that Hobbes and Locke made and such people, simply because they were so rare. In view of this they said let us regard it as impossible. Then you get a very nice order and everything is universally valid. But it misses the point. Because, you know, on these men everything depends.

Well, I think we stop now. Next time we will begin with a paper on the fifth book of De Finibus.

it was not on all points clear to me. I do not believe that you brought out the issue, the controversy between Piso and Cicero, and the character of book five of De Finibus. You were concerned with Cicero's overall view, and therefore you were not sufficiently concerned with what Cicero presents as his opinion in book five of De Finibus. That must also be considered. Now what is controversial between Cicero and Piso in book five.

(I believe the issue is whether or not wisdom does issue in happiness. Piso attempts to maintain that it does and at the same time to hold that goods aside from wisdom are . . . inaudible . . .)

That is the issue, and not the relation of virtue and wisdom. That was granted on both sides. Let me again make clear the situation. The assertion of Piso is happiness equal to virtue plus epsilon . . . inaudible . . . You remember this from calculus. And then this . . . inaudible . . . Piso. Cicero says against that, happiness is virtue. That if this, i. e. epsilon, is so small, why not drop it. This might be thought of as the goods of the body and the other external goods. And what is Cicero's argument. Cicero presents here the Stoic argument against the Aristotelian/Platonic position. Now what is Cicero's logical argument against Aristotle? It is very simple. If happiness is virtue plus something. And virtue is presupposed to be . . . inaudible . . . But whether you are well, or wealthy, or beautiful, . . . inaudible . . . If this is as described, some people are happier than others who are also happy. That sounds illogical. And the Stoic position says either you are happy or you are not happy . . . inaudible . . . That is the immediately controversial point. Now in order to understand that we must look for a moment at De Finibus, as a whole, I mean the external structure of the book.

And here I am speaking from memory. If it is wrong, please correct me. The book consists of five books as you have seen. And it has therefore a center. Because five is an odd number and the center is of course book three. In book three Cato, Cato himself presents the Stoic teaching. But that is also a bit misleading, because while five clearly has a center, book number three, there are three positions developed in the book. Books number one and two, the Epicurean doctrine. Stated in book one, refuted in book two. The Stoic doctrine, stated in book three, refuted in book four. And the peripatetic doctrine, let us say, stated and refuted in book five. So book three and four, the Stoic and the refutation of the Stoic, are presented. The Epicurean doctrine is set forth by Torquatus, a descendant from the most severe Roman. His great great grandfather would turn in his grave to hear his descendant setting forth the Epicurean doctrine. And then he is refuted by Cicero. Is this correct?

(Yes.)

In book three, that is Cato, and then refuted by Cicero. Book five, Piso sets forth the Academic or peripatetic doctrine, and refuted by Cicero. So Cicero refuted in book four a doctrine which he upholds in book five. Now there is of course a very simple explanation, which is good as far as it goes. Cicero was an Academic Skeptic. And therefore he was not allied with any school which set forth its views on this subject. And therefore he could refute or defend any position. That of course is not quite sufficient, because there is no shred of evidence anywhere in Cicero that he should have had any sympathy whatever with the Epicurean. So the practical question for Cicero was,

either peripatetic or Stoic. But here, on this point, he seems to contradict himself. You referred to the setting. The fifth book is the only dialogue in Athens. He refers to the place. But he also refers to the time. Now the fifth book is the only one with a setting from Cicero's youth. And the other dialogues are later. And therefore if one considered only De Finibus one could say that the position taken in book five is the position taken by the young Cicero, and the position in book four--the acceptance of the Platonic/Aristotelian view, is that of the mature Cicero. That would do up to a point.

(I believe your point is substantiated by other evidence . . . inaudible . . . and the amount of space devoted to a criticism of what you described as the peripatetic doctrine is very minute when compared with the amount of space devoted to a criticism of the other two.)

To a criticism of?

(To a criticism of the Epicureans and Stoics.)

And also a passage which you caught. Where Cicero says that if one of the characters will come over to the peripatetics, he will come over to Cicero himself. Surely, that contributes to that. So I would say that to the extent to which Cicero had to choose among these three alternatives, I would say he chose the peripatetic/Platonic position rather than the Stoic. But of course that has to be reconsidered on the basis of the Offices, for example, you know, which are written from the Stoic point of view. I come back to this later. No, I would only say this. The Offices does not give us a reason for qualifying what I said. Why?

(It is a popular book.)

It is the popular Stoic teaching. For some reason it so happened that the Stoics had a two-fold teaching. One for the wise man, and this Cicero rejects because of its rigorism. The complete denial of any significance to any external goods, and any bodily goods. But as for the popular Stoic teaching, that he thinks . . . Perhaps that was the special merit of the Stoics--to set forth such teachings. And therefore he adopted that. we could leave it at this point for our purposes.

Now as for these bewildering names, which occur, I mean the names of these later fourth century philosophers. Well, there were these four schools: the Academy (Plato's school), the Lyceum (Aristotle's), the Stoa, and the Epicurean. And then all kinds of revolutions took place in these schools. For instance, about four generations after Plato the Academy became skeptical. Archelaus, Carneades, and such people. Then there was also all kind of mutual influence of the Academy and the Stoa, and such people like Posidonius and Panaetius were no longer orthodox Stoics. That was already a great Platonic influence. And so on and so on. Now that is merely antiquarian and is of no interest. But we must know a bit about what Antiochus tried to do, because he was the teacher of Cicero. Antiochus was apparently an eclectic. He tried to show. . . Well think in a practical way. You have here four schools. And what about philosophy? By the very fact that it is split, it doesn't seem to be true. And therefore Antiochus tried to simplify matters by saying three schools are in absolute agreement with each other, the decent people. And as for the indecent ones, the Epicureans, who cares for them anyway.

Yet therefore to say that Plato, and Aristotle, and the Stoic teaching are, in moral matters at any rate, identical. That regarding Plato and Aristotle in themselves was defensible. It is not too hard to show that, for practical purposes. The difficulty was the Stoics. And here he said, and Cicero repeats that frequently, the Stoics teach the same as Plato and Aristotle do, they only, Zeno, the founder of the school, use new names. Instead of speaking of the external and bodily goods, he calls them external and bodily things to be preferred. And the goods are, strictly speaking, only the goods of the soul. That was Antiochus' solution to this. He blurred the issue. As every eclectic must do. And here, in this particular dialogue, Cicero is the one who attacks this blurring of the issue. He says there is an issue. And you, you Platonists and Aristotelians, are compelled to admit different degrees of happiness which depend on things having nothing to do with virtue. And he gives the example of Regulus and Metellus. That was a clear example I think. Regulus, tortured to death by the Carthaginians, is less happy Plato and Aristotle said than Metellus, who lives with his family, all his sons consuls, and his daughters well married, and I don't know. And already grandsons beginning to become high officials. And, obviously, common sense would say that Metellus was a happier guy than Regulus. And the Stoics jump into the face of common sense, and say they are exactly identical happinesses. And Cicero here adopts this paradoxical Stoic teaching, which he rejects, as we shall see, in book four.

Now one more word about Cicero's relative affiliation. The reader of today's paper rightly emphasized the importance of the political problem for Cicero. I mean on all levels. First, politics as such was of great interest to him naturally. I mean his whole activity and the fact that he wrote the Republic and the Laws. And secondly, the problem of the relative merits of the political life and the philosophic life was of course present to him all the time. And we shall come to the passages regarding this second issue a little later on. Now the question is this. Since we do not know quite clearly where Cicero stands, except that he has an obvious sympathy with the Stoics to some extent and with the Platonic/Aristotelian position on the other. What about the concern with politics? That itself decided clearly against the Epicureans, wholly anti-political men. But is there not a difference, perhaps, in this respect between Plato/Aristotle on the one hand and the Stoics on the other? Do anyone of you have the Law, because there is a reference to this problem in the Laws. There are probably others which I do not remember at the moment. In the third book of the Laws, paragraphs 13 and 14 (page 473 in the Loeb edition).

A. And will you now be kind enough to present your reasons for considering these provisions in regard to the magistrates to be the best, as you did, at my suggestion and request, in your treatment of the laws of religion?

M. I will do as you ask, Atticus, treating the whole subject in accordance with the investigations and discussions of the most learned of the Greek writers. I shall also touch on our laws, as I did before.

A. That is exactly the method of treatment to which I am looking forward.

M. However, I included a great deal of general matter on this subject in my former work, as was necessary in an inquiry into the nature of the ideal State; but on this

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... this gives more weight to the contention that Cicero was more sympathetic to the Platonic/Aristotelian approach than to the Stoic approach. Which does not exclude his willingness to use Stoic ideas when they come in handy. For example, these popular moral teachings set forth for young men. And that is also interesting, by the way. The relatively young Cicero, defending the Stoic doctrine, in book five, and the old Cicero, addressing his young son, in a tolerably Stoic way. In other words, that he ascribed to the Stoic teaching a certain exhortatory power which he thought was pedagogically useful. That I regard as possible. That this would be the result of a more thorough study of this question.

Now let us then turn to some details. Because I believe that the particular questions which you have brought up in your paper can be covered by going through this in an orderly manner. Let us first turn to De Finibus, book five, paragraph 7. There is, by the way, a little point which deserves some attention if you can afford it. There is a certain use of grammatic means by Cicero. I don't know whether anyone has made an observation about that. I mention one fact. Only the dialogues with Cato, books three and four, is one man with another one man. Only those two books. The others are all in larger company. That is not uninteresting. Now what I am driving at is this. The smiling and joking. There are references from time to time to that. There is a pattern there I believe. If I am not mistaken, Cato never smiles. Is this correct?
(Inaudible . . .)

He was of incredible gravity, Cicero says elsewhere. Whereas the Epicurean smiles a lot, I believe, because he is a man of great levity naturally—being an Epicurean. How important that is in Cicero it is hard to say. It may very well be only some recollections of a certain Greek way of writing and not more.

Well let us read first the praise of the Academy, paragraph 7.

Perhaps, said Pico, it will not be altogether easy, while our friend here (meaning me) is by, still I will venture to urge you to leave the present New Academy for the Old, which includes, as you heard Antiochus declare,

The New Academy is the Skeptics.

not only those who bear the name of Academies, Speusippus, Xenocrates, Polemo, Crantor and the rest,

Those are the successors to Plato.

but also the early Peripatetics, headed by their chief, Aristotle, who, if Plato be excepted, I almost think deserves to be called the prince of philosophers.

You see. The overall judgment on the stature has not changed throughout the centuries. I mean there were some people who preferred Aristotle to Plato, but that these are the two peaks, that was always known.

Continue.

Do you then join them, I beg of you. From their writings and teachings can be learnt the whole of liberal culture, of history and of style; moreover they include such a variety of sciences, that without the equipment that they give no one can be adequately prepared to embark on any of the highest careers. They have produced orators, generals and statesmen. To come to the less distinguished professions, this factory of experts in all the sciences

has turned out mathematicians, poets, musicians and physicians.

That is quite interesting, what he regards at lesser points. The high points are philosophy and politics. And that is Plato and Aristotle and not the other schools. No Stoic is mentioned here.

(Inaudible. . .)

I had that impression when I studied the De Finibus many years ago. At my present reading I was not struck by it. But that may just be due to the fact that I had some medical treatment which did not allow me to read it with real attention.

(You see, all of these are in threes. And he has history in the middle in the first case, and in the second case he has the generals, and in the third case the poets. He seems to be leading toward . . .)

No, the poets are . . . You mean the poets and the musicians are in the center.

(Yes.)

That is perfectly possible. I believe these things were rather, especially for a man so well trained in rhetoric as Cicero, almost a habit. In this sense. And for this reason also I would not attach too great an importance to that.

(Doesn't this imply a certain earthliness, though, a certain concern with earthly matters, as opposed to mathematics and so on.)

I believe no. I think, rather, this. Either it is the life of the mind, then you take its highest form, i.e. philosophy, and the alternative then is the political activity. The other things are specialties of some sort, I think. That is the point of view. You know, a mathematician deals with these numbers and figures; a poet deals with imitations in the element of language; a musician, the element of sounds. They are all respectable specialties but not universal activities like philosophy on the one hand and politics on the other. That would be the way in which I would read it,

(I was wondering why in the highest careers he doesn't include philosophers whereas he does include statesmen.)

Because that is implied. Because it is a recommendation of this particular school. That they are good as philosophers, everyone grants that. The prince of philosophers. That either Plato or Aristotle is that. But how good they are appears even if you regard philosophy only as a means. Because look what came out of that. I believe that is the point.

Now then we turn to the beginning of paragraph 12, for a terminological reason, on page 403.

Their books on the subject of the Chief Good fall into two classes, one popular in style, and this class they used to call their exoteric works; the other more carefully wrought. The latter treatises they left in the form of note-books.

You see, in other words, these two kinds of books. Exoteric, and, of course, although Cicero doesn't use the term, the other would be esoteric. Popular and scientific, you can say. That is a very long story, and I will mention only one fact. For example, when Aristotle in the Ethics speaks, this has been discussed in exoteric speeches. Today very few people would . . . Or only part of the people would say that means popular speeches. Sometimes they also say it

these speeches outside that field, say his physical books or something. Today that is absolutely obscure. There is the big dictionary on classical antiquity in German in which you find every little term coined by the tiniest rhetorician in some place in Asia, which was only used by this guy. If you look it up you will find it there. Exoteric and esoteric are not even represented. There are no articles on that. That is very amazing. So strong is this dislike to this theme which was once regarded as very important. This only in passing.

Paragraph 17 is very important for our overall information, because there Cicero, or Pico speaks about what was the common theme of all, of almost all ancient thinkers.

Now practically all have agreed that the subject with which Prudence is occupied and the end which it desires to attain is bound to be something intimately adapted to our nature; it must be capable of directly arousing and awakening an impulse of desire, what in Greek is called *horme*. But what it is that at the first moment of our existence excites in our nature this impulse of desire, as to this there is no agreement. It is at this point that all the difference of opinion among students of the ethical problem arises. Of the whole inquiry into the Ends of Goods and Evils and the question which among them is ultimate and final, the fountain-head is to be found in the earliest instincts of nature; discover these and you have the source of the stream, the starting-point of the debate as to the Chief Good and Evil.

That is a very important and clear statement as to, to repeat, as to what was the issue admitted almost by all. In other words, there were people who did not, but the majority did. So the good life is the life according to nature, and what is natural appears first, and that is characteristic of this later epoch, in the first beginning, in the moment of birth.

Turn to paragraph 55 (page 457).

Perpetual response is unendurable on any terms. This is a fact that may be readily detected in children of the tenderest age, if I may risk being thought to lay undue stress on a field of observation sanctioned by the older thinkers, all of whom, and my own school more than others, go to the nursery, because they believe that Nature reveals her plan to them most clearly in childhood.

That is it. Here he even says that all ancient philosophers do that. Begin with what we find immediately after birth. Because even there, and that is not so unimportant. I mean he doesn't Freudian notions, because there is of course no Oedipus complex yet at the moment of birth. But what they have in mind is this. Look at a small, new-born baby. And compare it with a newly born cat and kitten. Now in all later things you might say that convention has entered. Here convention cannot yet have entered. They are entirely different from the very beginning. And therefore that is an important consideration.

There is another passage of importance in this respect. Because he says not all admit that, that the good life is the life according to nature. You see in paragraph 33, on page 429, another reflection on this subject. Begin at the top of the page with the first sentence.

But do I speak of the human race or of animals generally, when the nature of trees and plants is almost the same? For whether it be, as very learned men have thought, that this capacity has been engendered in them by some higher and diviner power, or whether it is the result of chance, we see that the vegetable species secure by means of their bark and roots that support and protection which animals derive from the distribution of the sensory organs and from the well-knit framework of the limbs. On this matter I agree, it is true, with those who hold that all these things are regulated by nature, because if nature were to neglect them her own existence would be impossible; yet I allow those who think otherwise on this point to hold what view they please: whenever I mention 'the nature of man', let them, if they like, understand me to mean 'man.'

In other words, if they don't wish to speak of the nature of man, and speak only of man, then the same conclusions would nevertheless follow as far as the present argument is concerned. Now go on.

as it makes no difference. For the individual can no more lose the instinct to seek the things that are good for him than he can divest himself of his own personality.

Personality, of course, doesn't exist here. He simply says "himself". The wisest authorities have therefore been right in finding the basis of the Chief Good in nature, and in holding that this instinctive desire for things suited to our nature is innate in all men, because it is founded on that natural attraction which makes them love themselves.

You see this is only a further comment on this remark that not all ancient philosophers started from the nature of man. He doesn't develop who these people are. It may very well have been some Skeptics. Possibly also the Epicureans. But I can't answer that question now.

Now let us return to the beginnings, paragraph 18, where the controversial issue is stated. What he said in paragraph 17 was that all interesting philosophers try to establish the character of the good life by reference to the nature of man. And this nature is first seen as a different nature if we look at newly born man as distinguished from newly born elephants or mice. Now we turn to paragraph 18.

What is controversial among these philosophers.

One school holds that our earliest desire is for pleasure and our earliest repulsion is from pain; another thinks that freedom from pain is the earliest thing welcomed, and pain the earliest thing avoided; others again start from what they term the primary objects in accordance with nature, among which they reckon the soundness and safety of all the parts of the body, health, perfect senses, freedom from pain, strength, beauty and the like, analogous to which are the primary intellectual excellences which are the sparks and seeds of the virtues. Now it must be one or other of these three sets of things which first excites our nature to feel desire or repulsion; nor can it be anything whatsoever beside these three things. It follows therefore that every right act of avoidance or of pursuit is aimed at one of these objects, and that consequently one of these three must

from the subject-matter of Prudence, which we spoke of as the art of life; from one of the three Prudence derives the initial motive of the whole of conduct.

Now since we may take pleasure or freedom from pain as two forms of the same notion, pleasure/pain, the issue is this. Is the primary phenomenon in man, the fundamental phenomenon in man the desire for pleasure or repulsion from pain. Or else is it something different? And which these different things are he gives here. For example, self-preservation, health, complete senses, and beauty, and the other things. Are they as such desired and not with a view to their pleasure. That is the point. And that is indeed the dividing line between Plato and Aristotle on the one hand and the hedonistic schools on the other. Now here, of course, since this is an anti-hedonistic position presented in this book, they begin here in this book with these *prima natura*, as they are frequently called, the things which are primary according to nature, the primary objects of nature. And what this means we have to consider, because that is the starting point of the whole argument. That is in paragraph 24-26. We cannot read this very long speech, so we will read only part of it. Read the beginning first.

Every living creature loves itself, and from the moment of birth strives to secure its own preservation; because the earliest impulse bestowed on it by nature for its life-long protection is the instinct for self-preservation and for the maintenance of itself in the best condition possible to it in accordance with its nature. At the outset this tendency is vague and uncertain, so that it merely aims at protecting itself whatever its character may be; it does not understand itself nor its own capacities and nature.

But later on it gradually learns to discern, and then . . . inaudible . . . Now let us read also the beginning of paragraph 26.

Hence when we say that the End of all living creatures is to live in accordance with nature, this must not be construed as meaning that all have one and the same End;

What does this mean in this context?

(A horse's end is different from a man's.)

In other words, self-preservation means something very different in the case of a horse and in the case of a man. The horse wants to preserve itself as a horse, and the man wants to preserve himself as a man. In self-preservation there is implied that a man would not wish to become a brute. He wants to preserve himself as a human being. And another passage on the next page. Still in paragraph 26.

So that finally we may embrace all animate existence in one broad generalization, and say without hesitation, that all nature is self-preserving, and has before it the end and aim of maintaining itself in the best possible condition after its kind;

That we see. Here you have, I think . . . Since self-preservation is such a key concept in Hobbes, Locke and Rousseau. And that is obviously, as many textbooks will say, old Stoic stuff. But there is a great difference, because, in the first place, the emphasis on the kinds, on the species, that self-preservation means something entirely different for the different species, is by far not so clear in Hobbes, Locke, Rousseau. And, secondly, that it implies of course

to preserve itself in its best state. It is not merely a clinging to life, to more life by hook and by crook. That is important if one wants to understand this doctrine. May I add one more point regarding the difference between the old doctrine of self-preservation, which is of course also implicit in Plato and Aristotle, although the clear references which we possess are not older than Cicero as far as I know; it is not so clear in Plato and Aristotle, although it became a part of the whole tradition. You find it when Thomas Aquinas speaks about natural law. Self-preservation is present but understood in this way, as a primary. Now what happened in the 17th century, where this is used but with a changed meaning. That can be stated as follows. In classical antiquity, it appears with particular clarity from Cicero's De Finibus, and from the passage which we have read just before, to start from the instinct of self-preservation, if you call it in that way, excluded hedonism. The hedonists did not start from self-preservation; they started from pleasure. In the 17th century, such men like Hobbes, Locke and the others, and Spinoza, combined the two things. Superficially, one can say therefore that they tried to achieve a synthesis of Stoa and Epicureanism. For example, by saying, as Spinoza does, that in increase, a satisfactory move for your self-preservation, is pleasant. An unsatisfactory move is unpleasant. In Hobbes the case is a little bit more complicated but fundamentally the same. Because Hobbes, is of course, a hedonist. And Locke too. But why does Hobbes not make pleasure and pain, but self-preservation, the principle? And I believe the answer is this. Hobbes was a radical corporealism. I do not say materialist because that is misleading. Corporealism. To be means to be body. Now such things as pain and pleasure are not bodies. They are phantasms or something of this kind. They are mere (inaudible) phenomena, as the same people, the successors of Hobbes called them later. And therefore the expression of what is happening substantially is not in terms of pain and pleasure but of what really is bodily, the preservation of your body, that it lives. That is a speciality of Hobbes, this particular point. But, at any rate, in the 17th and 18th century, I can only repeat that, the same term, self-preservation, means something very different from what it meant in the Stoa, and in Plato and Aristotle and in Thomas Aquinas.

(Isn't it true generally, however, that atomism and hedonism go hand in hand?)

Well, in Epicureanism it is obvious, and the reason there is this. Since the only primary form of knowledge is sense perception, your knowledge of good and evil is primarily sense perception, pain or pleasure. That is I think the point. Whether the same is true of Democritus is doubtful. That is really not so clear. Democritus evidently possessed a broader mind than Epicurus. And therefore it is not so clear. In Epicureanism it is perfectly clear. But we will speak of that when we come to books one and two.

Now I think regarding this subject we should also turn to paragraph 37 (page 435), line four on the page.

For he who aims at the preservation of himself, must necessarily feel an affection for the parts of himself also, and the more so, the more perfect and admirable in their own kind they are.

You see what that means. I mean the first part would be granted by all. If you are dear to yourself, if you love yourself, of course you try to preserve yourself. And naturally your limbs too. Even a tooth we don't like to lose. But then the crucial difference comes in. You consist of parts, and some are higher in dignity and others are lower in dignity. And therefore self-preservation means primarily the preservation of what is best in you. And then this is an entirely different picture.

At the beginning of paragraph 38.

From these explanations, it may readily be inferred that the most desirable of our attributes are those possessed of the highest intrinsic worth; so that the most desirable excellences are the excellences of the noblest parts of us, which are desirable for their own sake. The result will be that excellence of mind will be rated higher than excellence of body, and the volitional virtues of the mind will surpass the non-volitional; the former, indeed, are the 'virtues' specially so called, and are far superior, in that they spring from reason, the most divine element in man.

That is also interesting. But it is clear. Self love, the key formula admitted by Hobbes, Locke, Rousseau, on the one hand, and the Stoics-Plato-Aristotle on the other. One can really say that. But then it means, in the one case, the self is articulated—in the older thought—and so the higher parts are by nature the primary objects of self-love. Whereas, in the other case, it is exactly the opposite. Because you cannot live virtuously without living first, the condition—mere life—becomes of greater importance than the higher, of which it is a condition.

There is a point in paragraph 46. What did you make of that? Where he says, "But from now we will follow another genus of arguing?" (I didn't find another separate set of arguments as I remember . . . inaudible . . .)

I have the impression that what he means is this. The first argument starts from self-love, and therefore the self is articulated, and the better parts of the self given a primacy. And the others . . . But here he would always have the reference to self. In the second argument, what comes in at the beginning is that these things, say, moral worth, honestum, are choiceworthy for their own sake. Even without this reflection to your needing moral virtue for being a respectable human being. I believe that is the distinction. There are some parallels to that. For example, at the bottom of page 447: "Not alone for utility's sake but also for its own sake." If you start from self-love, and if you think only of self-love, it still has the appearance that you want virtue for yourself. And that is the consideration of utility. But the other thing also has to come in. Of course how this turn is brought about, from your self-improvement to choiceworthy for its own sake, that is not made quite clear here. But how could one make this intelligible? Where would it appear that our concern with the honestum is not only concern with myself, or my self-improvement, or however you want it, self-love. Are there not empirical phenomena where these two things are not connected.

(Inaudible . . .)

But still, could this not still be understood simply as instinctive self-love--and well directed self-love? If I may make a suggestion. That the phenomenon which he must have in mind, to make the distinction here, is the fact that we admire human worth in other people, and where we attempt, let us say, to trace that . . . inaudible . . . There is a kind of objective admiration for virtue, say, in others, where we come in only as observers. And therefore the consideration is of a different kind.

(Inaudible . . .)

Yes, that was my impression too. There is, however, a certain ambiguity. Let us read paragraph 48, on page 449.

Let us consider the parts of the mind, which are of nobler aspect. The loftier these are, the more unmistakable indications of nature do they afford. So great is our innate love of learning and of knowledge, that no one can doubt that man's nature is strongly attracted to these things even without the lure of any profit. Do we notice how children cannot be deterred even by punishment from studying and inquiring into the world around them? Drive them away, and back they come. They delight in knowing things; they are eager to impart their knowledge to others;

The argument as developed would mean this. Look at little children, very small children. And look at dogs and cats of the same age. Whether there is any desire to see merely for the sake of seeing. Well, a dog will smell. You see that when you have a dog in a car, for example. You will see massively the almost self-forgotten interest in smells. But smelling has to much to do with self-preservation. You know, the need for food and the other activities which a dog has. That is of an entirely different character, whereas human children really like to see, and can be kept back only with whipping sometimes from looking at something that is strange. Good. Now let us see how he goes on.

pageants, games and shows of that sort hold them spell-bound, and they will even endure hunger and thirst so as to be able to see them.

And just contrast that with a puppy. Such a show. If you give him dog food he will come eat and forget about the show. Naturally.

Again, take persons who delight in the liberal arts and studies; do we not see them careless of health or business, patiently enduring any inconvenience when under the spell of learning and of science, and repaid for endless toil and trouble by the pleasure they derive from acquiring knowledge?

You see, he refers here to pleasure. And he does this a few times in the neighborhood. Now the question is this, which is, of course, not answered in any way here. Is not this pleasure from seeing, this particular kind of pleasure from seeing virtue, something independent, not identical, not reduceable, to the self-love.

(Couldn't one argue that the preservation of this seeing faculty, the preservation of this faculty depends upon its exercise, that this is somehow necessary for it.)

Yes, but what about the seeing of virtue? The immediate argument is this. Cicero brings two kinds of arguments here, or Piso, for showing that happiness is identical with honestum. One is self-

love. Because self-love must follow the inner order of the self. So that true self-love is love of the highest part in you. And that this love actualized is virtue. And then he takes another kind of argument, where no reference to self-love, no reference to your becoming virtuous, is implied. And I think the only clear case is that we admire virtue in others. The simplest case is that of the general of a hostile army. Let us assume he is a first-rate general. You admire him, and surely there is no reference in that to your self-interest. You would prefer a very poor general, but you would at the same time despise him. Now, therefore, there is a certain . . . Our respect for human qualities, human excellence, is not self-regarding. And the attempt to reduce it to self-regarding altogether is artificial. Quite a few people have tried to do that, but there is no necessity for this. It is not plausible.

There is also a very important passage in this connection at the end of paragraph 49 and the beginning of paragraph 50.

A passion for miscellaneous omniscience no doubt stamps a man as a mere dilettante; but it must be deemed the mark of a superior mind to be led on by the contemplation of high matters to a passionate love of knowledge.

By the way, this passage is very interesting. The translation of a section from Homer about the Sirens. That throws some light on a passage in the Memorabilia. You know, there is a passage where he speaks of the Sirens. You know what he says here. He is speaking of Odysseus, and he says that the Sirens promised science. And that it was no marvel if a lover of wisdom, namely Odysseus, held this dearer than the fatherland. And in the next place, at the beginning of paragraph 50, also Archimedes, who when he described some geometrical figures in the sand did not even notice that his city had been captured by the Romans. That is a very relevant passage for the question of the theoretical and practical life.

On this subject of the two lives there is also a point in paragraph 58 (page 459). Will you read it.

It is therefore at all events manifest that we are destined by nature for activity. Activities are of various kinds, so much so that the more important actually eclipse the less; but the most important are, first (according to my own view and that of those with whose system we are now occupied) the contemplation and the study of the heavenly bodies and of those secrets and mysteries of nature which reason has the capacity to penetrate; secondly, the practice and the theory of politics, thirdly, the principles of Prudence, Temperance, Bravery and Justice,

(End of reel; a few sentences were lost in the course of changing the reel.)

. . . to be active is nothing but a desire to run away from himself. Destruction. And that is of course just the opposite pole of what the ancients thought. That the desire for activity is natural. That there is also this pseudo-phenomenon, that someone tries to act in order to run away from himself; that surely exists, but that is not the fundamental phenomenon. It is the misuse of it.

I have to stop in a few minutes because I have to see a physician. I am sorry. But let me see. Paragraph 67 to 68. Paragraph 68 is

sufficient.

Hence it results that we find two classes of things desirable for their own sakes; one class consists of those things which constitute the Ultimate Good aforesaid, namely goods of mind or body; such as friends, parents, children, relatives and one's country itself, while intrinsically precious to us, yet are not included in the same class as the former.

Now that is also very interesting for the question of this so-called individualism of this kind of morality. And other human beings are external. That is very hard for us to understand. But that means that it is also more necessary that we try to understand it.

These are the main points. I apologize for leaving. But I believe we have seen the main points. There are so many points that we could very well have a whole month of daily meetings on Cicero without completing him.
(End of lecture.)

Cicero, Seminar, 19 May 1959

this seminar, covering portions of De Finibus, was not recorded.

Seminar 14 not recorded.

. . . you made a number of very good observations, especially regarding the character of the arguments and the setting. But also regarding the substantive points. Perhaps I take up the points that you made. That it is important that this discussion takes place in the presence of a young man, with Stoic inclinations, as you rightly observed. . . Inaudible . . . certain Epicurean teachers of high standing have to be taken up and they were not taken up. Furthermore, there is this explicit transition from the dialogue, with which the second book of De Finibus opens, to a long speech. And with the understanding that the dialogue, the dialectical treatment, is a more adequate treatment than the long speech. So he makes explicitly clear that it is much more rhetorical than it ought to be in a strict discussion. That is in paragraph 17 of the second book. And with this is connected the reference to (inaudible) a rhetorical device. I mean, all the great Roman captains and great Greek captains. The Epicureans cannot produce any man of action of the highest order, who have openly stated to have acted on Epicurean principles. This makes the argument definitely political, as you rightly said. And this has something to do with the danger afforded by, created by Epicurus and his popularity, which he probably overstates. I don't know. I have only a suspicion. That the Epicurean doctrine is not conducive to political life, that is very clear. The famous formula—live in retirement. The rejection of political life is one of the most famous of the Epicurean doctrines. We can, perhaps, turn later to these passages dealing explicitly with the political danger.

Then there were certain things where I could not quite follow you. That may be due to your expressions. You noted that Cicero plays down Epicurean physics. Now one could, of course, say, does he play down Epicurean physics to a higher degree than he plays down Stoic or peripatetic physics in books three to five. Since this is after all a book on morals, where only incidental references to physics can be expected, and that is true throughout the work. I did not quite get . . . You found in it a sign of the deliberately inadequate treatment of Epicureanism. Or did I misunderstand you?

(No. That was correct.)

Well that argument is not very good I believe. It has to be reconsidered.

At one point you said pains arise from fancies according to the Epicurean teaching. That, of course, cannot be literally true. If you have a toothache or any other bodily pain, they do not arise from fancies. You meant the most important pains, or something of the kind?

(Yes.)

Good. You said even, later on, that mental pains are more important from the Epicurean point of view than the merely bodily pains. And that they, as a comparison with Lucretius would show, the treatment of the mental pains has been omitted in Cicero's account. Is this not going too far? I mean, does he not refer to this treatment of the mental pains, of the anguish regarding death, and punishment after death? It is referred to?

(Yes. It is mentioned.)

There are quite a few references to the pleasures and the pains of the mind.

(That is true.)

I think that the defect of Cicero's treatment of the Epicureans lies in another point, to which I will come later.

Now first, the simple Epicurean theme. Let us get that straight. It is very simple. By nature the good is only the pleasant, and by nature bad is only the painful. But then there are things which are not pleasant or painful in themselves but derivatively so. The means for pleasure are, in a derivative way, good. And the means for pain are derivatively bad. Now in Greek, that would be that the agathon, the good, is identified with the pleasant. Now there is another kind of the good, and that is the utilis in Latin. And that includes all kinds of things, and especially the virtues. The virtues are admitted by the Epicureans. Without any question, although there are slight shades of differences between the various virtues, as you noticed. But the virtues as such are useful. They are really handmaids of pleasure. Handmaids are something desirable but not really very respectable. One kind of the good is explicitly excluded, and it is simply denied that it is of any significance. And that is, in Latin, the honestum as honestum. That exists merely . . . that is a mere sham. It exists merely in the element of opinion. No serious man should be impressed by that. So, therefore, the Epicurean as Epicurean would absolutely reject any reference to this and would say, well, what you say about virtue may be true in a crude way; but it misses the decisive point because it misses the element of being choiceworthy for its own sake because of its intrinsic splendor. That they reject. There is no intrinsic splendor whatever. And, of course, they do not meet this argument on its own ground. Their starting point is indeed their whole view of the universe. And in the light of that there can only be pleasure/pain . . . inaudible . . . deliberation regarding pleasure and pain, and not . . . inaudible. . . And therefore Epicurean philosophy becomes a mere instrument for making life more pleasant. Perhaps it is even the most important instrument for making life pleasant, but not more. That is clear. There is, however, one very great difficulty. And that concerns the meaning, and Cicero harps on that all the time, of pleasure. What is the meaning of pleasure? What is Cicero's charge against the Epicureans, stated in its strongest and clearest terms?

(They call something pleasure which is not pleasure.)

Namely?

(Freedom from pain.)

Yes. So that is really the point. Epicurus simply shifts from the pleasant as the highest good to the absence of pain as the highest good, and that is an impossible thing. That is the main point. But what do you think of this charge? Do you know anything about that—about this problem of pleasure in Epicurus?

(You mean how Epicurus attempts that?)

Yes. Well, then, we shall discuss it, because this is the central issue. Let us take up the most important passages. In book two, paragraph 10, page 89.

"Do you not remember," he replied, "what I said just now, that when all pain has been removed, pleasure may vary in kind but cannot be increased in degree?" "Oh, yes, I remember," said I; "but though your language was quite

correct in form, your meaning was far from clear. Variation is a good Latin term; we use it strictly of different colours, but it is applied metaphorically to a number of things that differ: we speak of a varied poem, a varied speech, a varied character, varied fortunes. Pleasure too can be termed varied when it is derived from a number of unlike things producing unlike feelings of pleasure. If this were the variation you spoke of, I could understand the term, just as I understand it even without your speaking of it. But I cannot quite grasp what you mean by variation when you say that when we are free from pain we experience the highest pleasure, and that when we are enjoying things that excite a pleasant activity of the senses, we then experience an active or kinetic pleasure that causes a variation of our pleasant sensations, but no increase in the former pleasure that consists in absence of pain--although why you should call this pleasure I cannot make out."

That is one statement. That is the first statement of this issue. Let us look at a few other passages. In paragraph 16, for example, page 97. We have only to read the portion in brackets.

(for so he describes this vivid sort of pleasure, calling it kinetic in contrast with the pleasure of freedom from pain, which is static pleasure)

And there are some more remarks. The beginning of paragraph 17, on the same page.

"I certainly do not," said he; "I maintain that all who are without pain are enjoying pleasure, and what is more the highest form of pleasure."

Now we could read other passages which would also bring this out. The key point is this. What is first called absence of pain is in fact the highest pleasure. And this highest pleasure is distinguished from what is commonly understood by pleasure as "static" pleasure, as stable pleasure, in contradistinction to the other pleasures, which are pleasures of motion. For example, you are hungry. You eat. That is pleasure in motion. Because the change is pleasant. But there is, according to Epicurus, a kind of pleasure which is dependent upon the status of the being. If a living being, and especially man, is in a good shape, if everything works well, if you are healthy in the truest sense of the term, then this very status of your body is accompanied by a pleasure deriving from the status, from the stable status. It is one of the great defects, perhaps the greatest defect, of Cicero's presentation that he did not bring out this doctrine of pleasure clearly as the key doctrine. It was, I think, the doctrine was set forth in modern times for the first time clearly by a French historian, Brochard, in his two essays on Epicurus which have been reprinted in his book, Studies on Ancient and Modern Philosophy. These are really models of historical scholarship. Brochard was, I think, together with Burnet, the greatest student of Greek philosophy prior to the First World War. That is really very readable. It is a rare case that the problem has really been solved properly. That has been done there. Now Brochard shows especially how this doctrine emerged out of a transformation of Plato's and Aristotle's doctrine regarding pleasure. In Aristotle pleasure is something which comes up in addition, of the perfect act. For example, of you dance well, or any other activity you take, the specific pleasure following the act, crowning it . . . As Aristotle says, the bloom of youth is a kind of crown of being youthful, of being in the

state of youth. And Brochard shows how the Epicurean hedonistic doctrine, in contradistinction to all other hedonistic doctrines, is an attempt to reassert hedonism on a Platonic/Aristotelian basis. That is really worth looking at. Now Brochard, of course, assumes that Cicero did no longer understand that doctrine. That is an open question. It might very well be that he presented this as a provisional criticism of Epicureanism preparatory to a criticism which he never wrote, and never, perhaps, intended to write. These are the most important general points I have to make. Now this is, of course, by no means a satisfactory doctrine. Even assuming that the true pleasure is that pleasure which we have not by virtue of any titillation of the senses, or so, but that which accompanies the healthy state of our bodies, the question arises, of course, what about the pleasure of the mind or the pains of the mind. That is the great difficulty. It seems that, compared with the fundamental bodily pleasure, the pleasures of the mind are a kind of protection of that primary well-being. For example, you are in a good state of health and your body functions well and you feel well. And now all of this feeling well means absolutely nothing if you are disturbed by anguishes or various kinds, especially fear of death. How long will it last, this well-being? And a bad conscience and whatever else you may have. So there are all kinds of instruments, instrumental activities needed in order to protect that pleasure. And this is the whole Epicurean philosophy. But the question is whether the difficulties are not for Epicurus the pleasures of philosophy, for example, or the pleasures of looking at beautiful things. That these are not merely instrumental for bringing about this other state of pleasure. Does it not necessarily imply a depreciation of the higher pleasures? In a way philosophy is much more important, because these pains . . . inaudible . . . Is it so important because of the positive joy which it brings? Are they higher than these other pleasures? That is the question. And also the other difficulty—that Epicurus himself was a rather sick man, suffering from all kinds of pain. I forgot what his disease was, although it had something to do with the bladder.

(Inaudible. . .)

Well, I don't know. At any rate he had terrible pains, so he was very far from having this "static" pleasure, and other pleasures were more important to him. But whether he could give a proper theoretical account of that. That is one of Cicero's objections. And I believe that he has surely a point.

Perhaps we should take a few passages from the first book. Perhaps we begin with paragraph 10 on page 13.

But for my part I can never cease wondering what can be the origin of the exaggerated contempt for home products that is now fashionable. It would of course be out of place to attempt to prove it here, but in my opinion, as I have often argued, the Latin language, so far from having a poor vocabulary, as is commonly supposed, is actually richer than the Greek. When have we, that is to say when have our competent orators or poets, at all events since they have had models to copy, ever lacked any of the resources either of the florid or the chaste style?

Let us stop here for a moment, because that is of some importance,

if one has to read Cicero, what his Romanism means. I mean by Romanism his assertion on certain occasions that Rome is superior to Greece. You remember that that plays a certain role in his political teaching proper. Is not the Roman commonwealth superior to any Greek one? But it has also something to do with the spiritual teaching. Here he asserts that the Latin language is superior to the Greek language. And this should show especially in the orators and poets. But then he makes this important qualification. You noticed that? (If they have models.)

Yes. So, in other words, if there should be a greater suppleness, or whatever it may be, or the Latin language, that is after all less important than the fact that Roman culture, poetry, rhetoric came into being as an imitation of Greece. There is a reference to this same question regarding the quality of the Latin language in the third book, paragraph 51, and also in the Tusculan Disputations, book two, paragraph 35. I mention this only in passing.

Then he begins with Epicurus because that is the easiest subject. And Cicero makes the objection, the political objection, near the beginning, in paragraph 23. Can you read that on page 25.

He lays the very greatest stress upon that which, as he declares, Nature herself decrees and sanctions, that is the feelings of pleasure and pain. These he maintains lie at the root of every act of choice and of avoidance. This is the doctrine of Aristippus, and it is upheld more cogently and more frankly by the Cyrenaics; but nevertheless it is in my judgment a doctrine in the last degree unworthy of the dignity of man. Nature, in my opinion at all events, has created and endowed us for higher ends. I may possibly be mistaken; but I am absolutely convinced that the Torquatus who first won that surname did not wrest the famous necklet from his foe in the hope of getting from it any physical enjoyment,

And so on. And then he gives other examples from the ancestry of Torquatus. You know, a very famous patrician family especially known for its moral severity. And that unworthy offspring who, in the later days of Rome, has become an Epicurean. Aristippus is the pupil of Socrates himself, the founder of the Cyrenaic school. And of whom we know a bit through Xenophon. I think it appears from the treatment there that he was not a very impressive thinker. This much would appear from . . . this is vouched for on the basis of Xenophon's authority. But for Aristippus hedonism is entirely different from that of the Epicureans. The Epicurean doctrine is really very ascetic, which the doctrine of Aristippus was not. Because the Epicureans were guided by the notion of the wise man, and the wise man who had to have a perfect independence, or a practically perfect independence as regards fortune. And that is not possible except on the basis of the most rigorous asceticism. And therefore the distinction to which he refers later on to the things which are necessary for man's own nature and which alone supply the most genuine pleasures; and these are . . . All these notions of the simple life, an extremely simple life, simple pleasures, as the good life have been elaborated by Epicurus more than any other. You know, a kind of vegetarian asceticism was part of this, part of the Epicurean doctrine. And this simplicity, this asceticism shows it-

self also in the contempt for most intellectual activities. You know, higher education, and so on. They looked down on that. The things which you need are those parts of learning which are indispensable for your happiness--physics, as they understood it. But mathematics, for example, and these others--rhetoric, poetry, are of no use.

In the Epicurean argument, . . . inaudible. . . the argument also begins with what we observe immediately from the moment of birth. And here the assertion is made that we observe there a striving for pleasure and to avoid pain.

There is one element of the Epicurean doctrine which is in no way emphasized, but which I think should come out. That is this. Of all the four virtues, justice has a particularly complicated status in the Epicurean doctrine. And this for the following reason. Take temperance. You want to have a pleasant life. Obviously you have to live temperately. That depends on the individual. Some can stand more, some less. But still, without temperance . . . if you eat too much you will have pain not pleasure. And the same applies to other things. Similarly courage. If you are very cowardly you will be unpleasant throughout your life. The less you fear the more courageous you are. But, on the other hand, you must not be overbold, because then you foolishly expose yourself to dangers, and thus to pain. And the same applies to wisdom. So, in the case of these three virtues, virtue has a salutary effect by nature, from the nature of the things. What about justice? In the case of justice, whether justice pays and injustice does not pay, depends on human knowledge. If you overeat and there is no witness present, it is bound to have its effect. You can make that experiment anytime. But if you forge a check, let us assume, and are very good at it, then it will have its bad effect only if it "leaks." So this shows that the basis of justice is knowledge. Now in this popular statement of the Epicurean doctrine this difference doesn't come out very clearly, but it is alluded to. When you read, for example, paragraph 51 beginning, where he speaks of that.

The usual consequences of crime are, first suspicion, next gossip and rumour, then comes the accuser, then the judge; many wrongdoers have even turned evidence against themselves, as happened in your consulship. And even if any think themselves well fenced and fortified against detection by their fellow-men, they still dread the eye of heaven, and fancy that the pangs of anxiety night and day gnawing at their hearts are sent by Providence to punish them.

Now what do you say to this argument?

(Inaudible . . .)

Yes, but you can say there is nowhere absolute security. Even the just man has no security that he will not be framed. I refer again to Mr. Joe Smith, of whom you might have read in this morning paper. Looking at it from a purely cynical point of view if you want to look at that in an Epicurean way, the question is really whether it will "leak". Now the danger is this. But it is, of course, enormously reduced if the individual is very clever. And therefore he says here, if someone can be sufficiently protected against the "conscientiam hominum". Here you have very beautifully the original meaning of conscientia. Scientia means knowing, and con means with, together. If you are sufficiently protected against the knowing with you of your deed on the part of other human beings. Here it is conscientiam hominum. If the consentiam is used by itself it means

the witness within you. You have someone who knows with you in you. Whereas the primary meaning is simply someone who knows with you, and it can also take on the meaning of an accomplice, of course. Because if you commit a crime with someone else, which I hope you won't do, then you have someone who knows together with you what you have done. And the consensilis in the higher sense is the knower with you, the witness within you. Now look at this argument. Fear of the gods comes in and fear of divine punishment. But through Epicurus he learns that these fears are wholly unwarranted. So what becomes of this problem? At the most, an overall calculation which says, generally speaking it is so complicated to protect yourself against detection that it is better not to do it. But it is not what we mean by justice. And justice has in this way a status different from these other three virtues in the Epicurean doctrine. This is also taken up in Cicero's criticism, incidentally, in the second book, paragraphs 53 and 54. We should read that.

What gave rise to the old familiar saying, 'A man with whom you might play odd and even in the dark'?

A man with whom you can go tiger hunting is the English phrase. That is the really just man.

This proverb strictly applies to the particular case of honesty, but it has this general application, that in all our conduct we should be influenced by the character of the action, not by the presence or absence of a witness. How weak and ineffectual are the deterrents you put forward,—the torture of a guilty conscience, and the fear of the punishment that offenders incur, or at all events stand in continual dread of incurring in the end? We must not picture our unprincipled man as a poor-spirited coward, tormenting himself about his past misdeeds, and afraid of everything; but as shrewdly calculating profit in all he does, sharp, dexterous, a practised hand, fertile in devices for cheating in secret, without witness or accomplice.

We go on immediately. But does this whole argument remind you of something which you know independently of Cicero?

(This is in the Offices if I am not mistaken.)

But older?

(The ring of Gyges.)

Sure. The argument of Glaucon/Adeimantes at the beginning of the second book of the Republic is also in a sense a hedonistic doctrine. Pleasure/pain the primary consideration. But that is not identical with the Epicurean doctrine, because there . . . To mention this in passing, there is one possibility, one crude form of hedonism, which simply says the pleasure to be sought is the maximum pleasure—the biggest pleasure most of the time. And the most varied pleasures, too, because if you have always the same pleasure that becomes boring. At least some people say so. I don't think that hamburger and only hamburger every day would always be palatable, whereas hunger would make it tasty. But if you take this crude view, the maximum of pleasures, the greatest possible variation at all times, then you must be very rich. And, in addition, in order to protect your wealth you must have power. The perfect solution to the human problem is the tyrannical life. This goes through the Platonic dialogues. Callicles, you know? That is, of course, not the Epicurean doctrine.

Epicurus knows that this is not a way to a pleasant and happy life. And therefore, for Epicurus self-restraint is absolutely crucial. So the principle of Epicurus one could have stated as follows. The most preferable pleasure is the purest pleasure. That is also a thought developed by Plato in another dialogue.

(Is that the same as the least dependent pleasure?)

No. Purest pleasure means the pleasure without an admixture of pain. There are two opinions regarding what the best pleasures are. The purest pleasure, that is the Epicurean view. The smell of a rose, for example, a pure pleasure. And a pure pleasure is one where its absence is not painful. I mean, you might say I wish I could smell a rose, or could smell orange blossoms, or whatever you have. They are good smelling. But you don't suffer from it in the way in which you suffer when you are hungry or thirsty. So the purest pleasure. And the pleasure of the intellect, they are also the pure pleasures. The other view is that without some pepper, and of course a bit of pain, of longing, the pleasures are not good enough. That is the alternative. There is a nice passage in Bacon's Advancement of Learning about that, where he takes the controversy between Socrates and Callicles in the Gorgias, where Socrates takes the side of the pure pleasures and Callicles those of the "pepper" pleasures. And Bacon sides with Callicles. Naturally. He is a modern man. The pure pleasure notion leads to what, from a modern point of view, would be called asceticism. Because these pleasures are not those which require much (inaudible).

(Inaudible . . .)

I mean only this, this great self-restraint. I use the word asceticism in a loose sense, I admit that. And whereas the pleasures of which Bacon speaks and of which Hobbes speaks and Locke and these modern thinkers require an enormous apparatus. And the peculiar hedonism of modern society, to the extent to which one can speak of it, you know, there is much of a delusion about the real pleasure people get out of all these gadgets. But the gadgets are supposed to bring pleasure. This is, of course, the opposite of what Epicurus meant by that. In a way this discussion by Bacon in the Advancement of Learning is the most interesting historical document for the change. But let us go on here where we were, because we have to return to this question of justice. Paragraph 54.

Don't suppose I am speaking of a Lucius Tubulus, who when he sat as praetor to try charges of murder made so little concealment of taking bribes for his verdict that next year the tribune of the plebs, Publius Scaevola, moved in the plebian assembly for a special inquiry. The bill passed the plebs, and the senate commissioned the consul Gnaeus Caepio to hold the investigation; but Tubulus promptly left the country, and did not venture to stand his trial, so open was his guilt.

In other words, he was a sucker. He was not really good at injustice. Now go on.

"It is not therefore a question of a rascal merely, but of a crafty rascal, like Quintus Pompeius when he disowned the treaty he had made with the Eumantines; nor yet of a timid, cowardly knave, but of one who to begin with is deaf to the voice of conscience, which it is assuredly no difficult matter to stifle. The man we call stealthy and secret, so far from betraying his own

guilt, will actually make believe to be indignant at the knavery of another; that is what we mean by a cunning old hand.

In other words, this man completely undisturbed by conscience, because a conscience . . . inaudible . . . from an Epicurean point of view. And completely free from all fears of divine punishment by the Epicurean teaching. And, in addition, a shrewd, experienced practitioner who weighs coolly the advantages of an honest life and also its disadvantages. The disadvantages being that he might be framed by a clever man. And, on the other hand, the picture which Glaucon draws. The crooked man who is extremely clever and in fact so clever that he will be regarded by most of his fellow citizens as a very just man. He has the best of both worlds. The Epicurean can't argue that.

(But couldn't you say that he is not living according to his nature.) But what does it mean against the pleasure?

(Well, there is nothing to prevent him from doing it, but there is no justification he could point to in Epicurus for doing it.) Not quite. He can say this. This pleasure which you say I should have, namely the 'static' pleasure, that I get anyway. Because I am a reasonable man and I take care of that. But you say the other pleasures, while they are not terribly important, they are genuine pleasures. I get them! And that is easy to learn--what you say about the gods don't care, and that there is nothing intrinsically noble. And surely I die and that's the end of it, and that while I live I want to have the maximum of fun, but in a judicious way so that the work I do for that is not very painful. Some pain I have to bear anyway, as Epicurus admitted. Or even if you take the Epicurean wise man, the man who would not care for so many varied pleasures at all. Even he, in a given situation has no intrinsic protection against injustice. Unless he takes some very dangerous steps, dangerous to his doctrine. Well, let us come to that later.

We have to look at the passages regarding the pleasures of the mind. They occur . . . Let us take in the first book first, paragraph 55.

The doctrine thus firmly established has corollaries which I will briefly expound. (1) The Ends of Goods and Evils themselves, that is, pleasure and pain, are not open to mistake; where people go wrong is in not knowing what things are productive of pleasure and pain. (2) Again, we aver that mental pleasures and pains arise out of bodily ones (and therefore I allow your contention that any Epicureans who think otherwise put themselves out of court; and I am aware that many do, though not those who speak with authority); but although men do experience mental pleasure that is agreeable and mental pain that is annoying, yet both of these we assert arise out of and are based upon bodily sensations. (3) Yet we maintain that this does not preclude mental pleasures and pains from being much more intense than those of the body; since the body can feel only what is present to it at the moment, whereas the mind is also cognizant of the past and of the future. For granting that pain of body is equally painful, yet our sensation of pain can be enormously increased by the belief that some evil of unlimited

magnitude and duration threatens to befall us hereafter. And the same consideration may be transferred to pleasure: a pleasure is greater if not accompanied by any apprehension of evil.

Now what does this mean, in the first place, that all mental pleasures are derivative from pleasures of the body. The same applies to pain. He refers here to time. The bodily pleasures proper are the present pleasures, and the pains proper are the present pains, but pleasures and pains are also apprehended. And the apprehended pleasures, the apprehended pains, that is one form of the mental pleasure and pain. And then there is also of course the other side, the remembered pleasures and the remembered pains. And therefore, as appears in the sequel, it was a very important part of the Epicurean teaching to direct our recollections properly—to remember, rather, the pleasures of the past than the pains of the past. Which is psychologically not very good, as Cicero points out, because we enjoy, as a matter of fact, pains which we have survived, or all kinds of unpleasantnesses too. So this is one point. And now there comes the greatest source of discomfort, the mental pain in this sense, the anticipated pain of dying and of being no more. And Epicurus says, I take care of that by my physics. But here there seems to be a slight shift. That the doing away with that pain, that mental pain, affords the greatest mental pleasure. As if the outlook, the anticipation of extinction could in itself be pleasant. I mean, it might cease to be painful but it could not be in itself pleasant. And therefore that is one great difficulty I think here. Now in paragraph 57, on the same page where we stopped.

But just as we are elated by the anticipation of good things, so we are delighted by their recollection. Fools are tormented by the remembrance of former evils; to wise men memory is a pleasure—by it they renew the goods of the past. We have the power if we will both to obliterate our misfortunes by a sort of permanent forgetfulness and to summon up pleasant and agreeable memories of our successes. But when we concentrate our mental vision closely on the events of the past, then sorrow or gladness ensues according as these were evil or good.

This, of course, is by no means true. And, in addition, even fools can be pleased by the memory of evil. What is quite striking is the completely heartlessness of the doctrine. For example, if someone remembers, thinks back to someone he loves who is dead . . . inaudible . . . But I think Epicurus himself would say, well, if you know the necessity of death,

(You would be able to bear it more easily.)

Bear it easier. But the question is whether it makes it simply (inaudible).

In paragraph 59.

Why, if the pleasantness of life is diminished by the more serious bodily diseases, how much more must it be diminished by the diseases of the mind. But extravagant and imaginary desires, for riches, fame, power, and also for licentious pleasures, are nothing but mental diseases. Then, too, there are grief, trouble and sorrow, which gnaw the heart and consume it with anxiety, if men fail to rea-

like that the mind need feel no pain unconnected with some pain of body, present or to come. Yet there is no foolish man but is afflicted by some one of these diseases; therefore there is no foolish man that is not unhappy.

You see here again also the reference to all mental pleasure and pain is a derivative from bodily pleasure and pain. That is the crucial point. And that leads, of course, to the fantastic consequence that the pleasures of the mind, in the highest sense, say, philosophy, can only be understood in reference to bodily pain or pleasure. Now the bodily pain or pleasure which is intended is the pain of extinction, of death. Philosophy is an enormous effort to abolish the fear of death. It has no dignity in itself. It cannot have. That is the consequence.

(Well the fact that it does abolish it in Epicurus' system gives it a dignity.)

But only instrumental. It is not choiceworthy for its own sake, but is only choiceworthy for the sake of this end.

I believe the really interesting problem. . . Well, of course, one can't get a sufficient notion of the Epicurean doctrine from these two books of De Finibus. I would grant that. And we have very little of Epicurus himself. You know, we have a series of compendium which he wrote, the main propositions, the main opinions, to which references are made here. That exists. And then we have three letters he wrote which have been transmitted through Diogenes—one on physics, one on logic, and one on ethics. But still, that is much less impressive than Lucretius' poem, in which this calculating element is much less noticeable. Lucretius must have been, obviously was a very gifted poet and a very deep human being. And in his presentation the whole thing looks much different because of this. This calculating element is much less in the foreground. The liberation from the fears of superstition, as he calls it, is only the bait which he holds out. There are two passages, one in the first book and one at the beginning of the fourth book, where Lucretius speaks of his principles—to give a very bitter medicine with sugar. So what you taste first is the pleasant, and what you get afterward is the bitter. Now, in other words, he knew what he was (inaudible) was the bitterness. And then the whole thing looked entirely different. The whole work makes then the impression of a very heroic effort to live composedly in the face of an absolutely terrifying truth. That is the impression which Lucretius conveys.

(Inaudible . . . the consolation that Lucretius suggests, the mind being able to encompass the nature of things.)

But the mind has to go through hell until it arrives at that. And that is very beautifully done, if one reads the poem with some care. You remember, one of the decisive steps which must be taken is to accept infinity. That is the decisive difference between the world in which we live, which is obviously finite, and the infinite world of Epicurean physics. And he speaks about it . . . He doesn't speak so much about it, but he suggests it; which reminds so very much of this famous sentence of Pascal, how does he say it, . . . inaudible . . . But in Lucretius . . . Yes, he doesn't have this peculiar tiredness of Epicurus. It has a very Roman spirit . . . inaudible . . . And whether that is a transfiguration of Epicureanism is hard to say. But one would have to give some thought to this work for understanding

this point. You wanted to say something?

(Inaudible.)

He would have said that, sure.

(But in a sense the same argument could be made against Cicero, in so far as he falls on . . . inaudible . . .)

No. The question is only . . . Surely, that Epicurus is consistent in the spirit of his system in these matters, sure. But the question is how to judge of the system. You cannot presuppose that the system is true. You have to check it by some independent evidence. And the question is whether it meets the phenomena.

(Yes, but the . . . inaudible . . . would have to be solvable.)
But when he says that the honestum is merely a matter of fame and reputation and has no solidity in itself, that is not so evident. Once you make all the premises which Epicurus makes, then it would follow. I'm not even sure that it would necessarily follow from atomism. Because atomism was elaborated long before Epicurus by Democritus, and when you read . . . It is hard, we have very little of Democritus and many of the moral fragments which are now ascribed to Democritus in the editions have come down to us as fragments from a man called Democritus; and it is a plausible suggestion, which is now generally accepted, that this was an error of the transmitter . . . inaudible . . . But still that is not absolutely safe ground. And if you disregard these Democritus fragments and limit yourself to the others, then there is a different spirit from that of Epicurus. And on the same physiological basis—the atoms. I know that. Sure. Epicurus was happy with his doctrine; he was satisfied with it.

(Inaudible . . . that Cicero's attitude toward philosophy is also one which asserts that philosophy is instrumental.)

Well let me see. There is one passage which struck me particularly. Let me . . . I hope I can find it. In the second book, paragraph 86, beginning. We have read other statements to this effect, but it struck me this time particularly.

The end and aim of every system of philosophy is the attainment of happiness; and desire for happiness is the sole motive that has led men to engage in this study.

Now this is what Cicero says, and what in a way is the premise of the whole book. If this is so, what follows from that.

(It depends on what happiness is. If happiness consists in wisdom, then . . .)

Then it is changed. But Cicero, I think, means here immediately that ethics is the central, the most important part of philosophy. I think the whole book, De Finibus, is based on that. But the question is, as you rightly say, alright, let us start from that which all men seek—contentedness, or however you might call it. Perhaps we should say reasonable contentedness. Because that it not so simple. Otherwise you can find men who would be happy like pigs. Reasonable contentedness. Now the question is, in what does it consist? And then the answer of the theoretical philosophers, of course, was that this contentment consists in theoria. And then the merely practical beginning—my concern with my happiness—is in a way forgotten at the end. Not quite.

(Is this what Cicero believed?)

As for Cicero that is extremely hard to say.

(. . . Inaudible . . . is the most important part of philosophy . . .)
Speculative knowledge?

(Yes . . . inaudible . . .)

Yes, but there are also other statements. I mean, this question of the two ways of life, you know, which has primacy or supremacy, the theoretical or the practical, goes through the work of Cicero. You remember, at the beginning, or at any rate where we began. And, for that matter, where Cicero began, for the Republic belongs to his earlier writings. At the beginning of the Republic and throughout. One has to put all this evidence together and see whether it admits of a unitary interpretation. I think I mentioned this last time. I would regard it as a possibility, as a serious possibility, that, given the skeptical character of Cicero, that he believes that this question does not allow of a demonstrative decision. Because that is what skepticism, this kind of skepticism, means. Probability grounds can be given and the way can be somehow established but not with sufficient definiteness to make it a demonstrative argument. And therefore, you can show both—that the practical life on the highest level is not possible without the help of philosophy. The Roman statesmen gained in stature when they became pupils of the Greek philosophers, e.g. Scipio. And the other way around, philosophy is not possible except within a political context, in civil society. So they need one another. To which one one should give the greater supremacy, that is, perhaps, for Cicero an open question. I say "perhaps" because I am not sure. One has to go over all the evidence to make this clear. Formerly I was surer that it was the theoretical, because I was especially impressed by the argument of the Republic, you know, leading up to Scipio's dream in the sixth book. But that is, I believe, not conclusive. This much I believe is clear to me—that Cicero's skepticism doesn't mean that he does not believe any question can be settled. There can be absolutely absurd positions. And I think that Cicero really did not believe in the possibility of the Epicurean position, unless you enlarge it beyond recognition. That is what you referred to when he speaks of the pleasure of the mind? In other words, when philosophy is understood not as a handmaid of certain pleasures, as it is according to the strict Epicurean doctrine, but as possessing pleasure in itself. If you enlarge the whole hedonistic scheme and say there are pleasures of the body and pleasures of the mind, lower pleasures, higher pleasures, then you can't speak of hedonism. Then you have abandoned hedonism because the criterion which allows you to distinguish between low and high is no longer in terms of pleasure, or except by means of subterfuge. So I think that Cicero really was not in any sense an Epicurean. But this hesitation between the peripatetic view, i.e. the Aristotelian view, and the Stoic view, with, I think, a greater preference for the peripatetic view while accepting the popular Stoic teaching, regarding the Offices, as good enough for popular instruction. I think that is, for the time being, the best I can think of. As for Carneades, the most famous Skeptic, we have . . .

(End of reel; a few sentences were lost in the course of changing the reel.)

(. . . the prima natura, the first things of nature, and that he uses this argument against the Epicureans . . . inaudible . . . against the Stoics . . . inaudible . . . the first things of nature . . .)

In the argument regarding the Stoics it is different, because . . . He agrees with the Stoics as to what these first things of nature are.

He only disagrees with them whether they can be completely forgotten afterwards.

(Yes, but I was wondering if this really doesn't go even further, on account of . . . he objects against the Stoics because they say . . . inaudible . . . Then he mentions the problem of desire, that according to your doctrine, the Stoics that is, in a very real sense there is no natural inclination to virtue, at least not in the same sense that there is a natural inclination to food, to wealth, and so on.)

That I do not believe. Because the Stoic doctrine was a teleological doctrine.

(It was a teleological one in a different sense though, because, according to Cato, the point he expresses over and over again is that virtue did not come in until reason became activated . . . inaudible . . .)

But that is true also of (inaudible). You cannot talk, at least strictly speaking, of the virtue of children . . . inaudible . . . and certainly not of the virtue of babies. And, in a sense, in Aristotle, too. I would say this. The argument with punch in it against the Epicureans in the second book is this. Does not the noble, the honestum, essentially belong to the nature of man. Of course, not to what is primarily given, because there it is not visible. You can see the germs of that but only the undeveloped germs. And the main point is this. The honestum is not reducible to the utilis. That is the main point of the argument against the Stoics.

(Inaudible . . . that Cicero is working on two senses of the term nature. One sense being the first given by nature, and this is what decides the issue against the Epicureans but is not what decides the issue here.)

But that is really good Aristotle. You know, nature as matter and nature as form. Clearly the two things have to be considered. The term matter, regarding the first things of nature, occurs in the third or fourth book, as we have seen last time.

(Well, then, can't you also raise the question that the first sense of nature is irrelevant. Because if its effect on man consists . . . inaudible . . .)

. . . Inaudible . . . If virtue, honestum, morality, were not in need, as the Stoics admitted, of an amoral matter on which it operates. That was the great difficulty. Now I looked up in the meantime the passage in the Summa Contra Gentiles where this comes out very clearly, part III, chapter 35.

Dealing with the question that the ultimate felicity of man cannot consist in the acts of the moral virtues. Why.

I give only a few arguments.

Moral acts are ordered toward something else, and therefore they are not the ends.

For example. He gives only two examples. We have to figure out the rest for ourselves. Courage means, just as it does in Aristotle, the virtue of war, is directed toward victory and peace. Now victory and peace are not as such moral acts. The morality is located in what you do and how you act toward that. Similarly, justice is directed toward the preservation of peace among men. It is not the preservation of peace among men which you can bring about by immoral means, you know, just having a sufficient amount of machine guns. But so,

this in itself is a matter of justice. And as such not just. The justice comes in in your attitude toward, in your action toward. Now the other argument. The moral virtues consist in the preservation of a mean in passions or in things, by which he means, he refers to the difference between justice and the other virtues. In justice, according to Aristotle, we seek a mean in things, not in passions. Well, a very simple example. Just price. The just price is the price between too much and too little. There is no passion involved here, which is to be regulated, because then justice would be a passion between two vices. But justice has only one (inaudible) injustice. There is not a "too much" as in the case of courage. That there would be too little cowardice and too much audacity. Now moral virtue consists in the preservation of a mean in passions or in things. But as the modification of the passions, the mean, or of things, they partake of the non-ultimacy of the passions and of the things. That is the argument. Do you get the main point? For example, let us take the simple case of justice, in the narrower sense. Commutative justice. It has to do with things, useful things. And justice is the proper attitude toward their, in regard to their exchange. Now since these things with which commutative justice has to do are merely useful, are in no way ends in themselves, justice partakes of that defect. It is higher than that. That is the famous paradox of which we read in books three and four—that justice is higher, that virtue is higher than the things with which virtue deals. But yet it suffers from the low rank . . . inaudible . . . Similarly, courage has to do with the passion of fear. Courage is (inaudible) attitude toward the passion of fear. But fear, the passion of fear, somehow enters into courage because it is its matter. That is, I think, the point. And the conclusion of the argument is that only intellectual acts proper can be meant as ultimate ends. Because they do not have a reference to these things. Or, to state it differently, the moral virtues only have to do with contingent things. And that the defect of moral virtue compared with the highest good of man is that it never comes out of this dealing with contingency. That is the argument. And that is somehow presupposed. It comes out in Thomas much more clearly because it comes out much more clearly in Aristotle. And in the Stoic teaching we have this difficulty, to which I alluded last time, that at least in the presentation by Cicero, the distinction between the theoretical virtue, wisdom, and the moral virtues is not clear. And I think it cannot be made clear, for the following reason. Because according to the Stoics the virtues are essentially reasoning and not habit. They are not acquired, properly, by habituation. And therefore the moral virtues and the theoretical virtue have the same status. Therefore it is much more obscure there.

Now let us see whether there are some more passages. Yes, you are also quite right in your interpretation. . . Cicero explicitly appeals to the common meaning of pleasure in the argument. The common meaning is this. What do we mean if we say that a man lives. leads a life of pleasure? We do not mean by that the virtuous man. He might be accidentally virtuous. Gourmets and such people. I think the argument of Cicero is twofold. In the first place, the harm which is done by such doctrines as regards the multitude, who are bound to misunderstand that. And secondly, . . . look, we do not praise

people, we do not admire people, if we are not very crude men, for leading a life of pleasure. We can in a way say, well, he is a lucky fellow and that kind of thing. But we don't respect that. And this, of course, completely blurred in the Epicurean doctrine. If the Epicurean physics were absolutely true, then one might have to swallow all kinds of moral consequences. But the question is, is it true. And even then one could raise the question, and that is what ultimately Kant did, because something like the Epicurean physics was the physics of modern times as Kant understood it in the 18th century. And then Kant raises the question, but since this is manifestly incompatible with morality proper, what about this physics as a whole. Is it not perhaps devoted to the merely phenomenal world as distinguished from the true world? This kind of question would then arise. So the question would not be settled . . . By the way, when I bring Kant in here that is perfectly legitimate, because Kant himself saw, identified . . . There is a passage in the Critique of Pure Reason, toward the end, where he speaks of the fundamental opposition between Plato and Epicurus. Now Plato, that means for Kant, the supremacy of morality, and Epicurus means the supremacy of a mechanical conception of the universe. And Kant, as it were, says Epicurus is right in physics but wrong in morality, and the opposite is true of Plato. That is a crude formula . . . inaudible . . . Even in Burke, I saw by accident again, an explicit remark to the effect that as a physicist Epicurus was far superior to everyone else in classical antiquity. Epicurus was simply . . . you know, it was not any specific doctrine of Epicurus, but it was the mechanical conception of the universe. The most popular representative of that in the tradition was Epicurus.

The last thing we should do should be to look at the few passages where Carneades is explicitly referred to. You know, Carneades, the most famous of the Academic Sceptics. And therefore one could expect for one moment that Cicero's moral philosophy, the moral philosophy of Cicero as an Academic Sceptic, would most likely be that of Carneades. That is a researchable hypothesis, although I believe it would lead to a negative result. Now the passages are on page 123, book two, paragraph 35. We read only the second half.

All of these but Epicurus were consistent, and made their final ends agree with their first principles — Aristippus holding the end to be Pleasure, Hieronymus freedom from pain, Carneades the enjoyment of the primary natural objects.

In other words, Carneades took the same beginning as the Stoics and Aristotle. There are the *prima natura*, the primary objects of desire, the wholeness of the human being, the wholeness of the organs. But Carneades say, that is the only good. To enjoy the natural . . . inaudible . . .

Now the other passages are paragraph 38, the next page, where Cicero only rejects it because Carneades did not recognize an independent status of the *honestum*, morality.

Paragraph 42, beginning, page 129.

The same arguments can be urged against the Chief Good of Carneades, which he advanced less from a desire to

prove it true than to use it as a weapon in his battle with the Stoics.

In other words, Cicero himself indicates that is perhaps not Carneades' own opinion but which he only uses as a engine to question the Stoic doctrine. Whether more is known about Carneades doctrine I simply don't know at the moment. The simplest way would be to look up the English translation of Zeller's History of Greek Philosophy, and see whether anything is known about that.

(Inaudible . . . did he also include virtue among them?)

Who?

(Carneades.)

Obviously not.

(O.K. Then how could the Stoics defend themselves against him?)

Because they would simply . . . the Stoics would say what Cicero says against the Epicureans, that we do not mean by a good man one who is merely good. . .

(And to which he would say, you are mistaken, a good man is he . . . inaudible. . .)

Well, alright. It is always difficult to argue against anyone of whom you have only a bald proposition and nothing else. The wise expression, as vulgarly expressed, is this. You must give a man a rope to hang himself. In other words, he must give some argument, and you must see what it leads to. What he can assert and what is simply silent about, for example. Because inner consistence bought at the price of complete poverty is no good. And then we would have to see. I simply do not know whether there are any other traditions regarding Carneades' moral teaching. One very simple thing. Carneades must have had some justification for his philosophizing and for his particular kind of philosophizing. One would have to see whether that is sufficient to give a basis to that bald proposition and to account for his philosophizing.

(But then the only way the Stoics can support themselves in regard to their claim . . . inaudible . . .)

But, in the other hand, you must not forget the question of the matter of the virtues, that natural matter of the virtues. It is inevitable. Look at it in an entirely non-academic way. And start from scratch, the way in which Aristotle does in the Ethics. He simply takes what people understand by the various virtues and he tries to give, to analyze it as clearly and as comprehensively as possible. That is very good for all practical purposes, what Aristotle does in the Ethics. But certain theoretical problems arise. Namely, Aristotle gives a very general statement about virtue as such—that virtue as such is ordered toward virtuous action. The mere dormant virtue is not sufficient. And the virtuous action is the work, the operation, the good operation of man as man. Differently stated, the good operation in accordance with the nature of man. That is the general definition of virtue. But Aristotle never takes the trouble of showing the connection between the individual virtue, say courage, say urbanity, and the nature of man. Aristotle apparently regarded this as practically unimportant, because the main point is that you know what the substance of these virtues are, and this other is a purely theoretical problem. Now there was a man who did try to link up the two things, and you all know of him. And that was Plato. Of course Plato spoke of much fewer virtues in this con-

nation. That there is one part of the soul, the perfection of which is temperance; and then there is another part of the soul, the irascible part, the perfection of which is courage; and there is the thinking part of the soul, which is wisdom or prudence. And then there is a unity of the three, a harmony of the three, and that is justice. In the Republic. This doctrine of the cardinal virtues was accepted by the Stoics, and was then almost transmitted through the tradition. And it was accepted by Thomas, in spite of his fundamental Aristotelianism, because he didn't think there was a fundamental difference. Now on this basis Thomists have frequently tried to supply that link between the nature of man and the way in which the nature of man, or the nature of the human situation we can also say, divides into various channels, each of these channels corresponding to a particular virtue. There is much argument of this kind in the Summa contra Gentiles and the Summa Theologica, you know. If one would present it systematically, meaning to begin with the nature of man and see then how by subdivisions there the variety of human activities, of essentially different activities, follows, and therewith also the variety of virtues related to them. That would be the point. Now that is, of course, never done by Cicero. And I don't know whether it was ever done by the Stoics. Did I answer your question or not? I may very well have gone off on a tangent. What was the question? (Well, the question was precisely that. How do they make the ascent from the primary . . .)

I see. We begin from the virtues, the whole question of the virtues. And then in each case we see that each virtue has a peculiar matter. The matter of justice is not the matter of courage and not the matter of urbanity, or whatever else. Now these matters too must have an essential relation to the nature of man. And the overall view of the matter on which human virtue operates is the statement about the *prima natura* and so on. That is it. One cannot neglect that. I mean we modern men always have the tendency to say the other things are unimportant, the ought or the end is important. For example, Hegel, in the Philosophy of Right, makes the statement, well, who cares about the origin of the state. That may have been conquest, it may have been all kinds of silly things, that's unimportant. The main point is to know what the state is for. That makes very much sense to us to begin with. And the whole distinction between is and ought is, of course, a kind of consecration of this approach. But it is important to see that it does not work, that the origins are not negligible. Neither for a human group, for a society as such, nor for an individual man. And I think that if a proof were needed it would be shown by psychoanalysis. Psychoanalysis, Freudian psychoanalysis, has tried . . . inaudible . . . or education, or juvenile delinquency, or treatment of criminals, and so on, everything. And by virtue . . . inaudible . . . a reinterpretation of the origins of the individual. And how can you meet that without studying again the origins. Otherwise, if you were right . . . inaudible . . . then the problem raised by psychoanalysis would not be, would be utterly irrelevant. But you cannot combine a sensible education, a sensible treatment of crime, at least so far as I can see, with this notion of the origins. So you must have another notion of the origins. Perhaps you don't have to have a very elaborate notion, but that is another matter. You have to have one sufficient to meet that. It cannot

be avoided. I think it is a false idealism, to use this word, to disregard it.

(I didn't mean to disregard it, but . . . inaudible . . .)
I have read a book by a very interesting biologist. Unfortunately, it has not been translated into English, or otherwise I would urge all of you to read it. His name is POFTmann. I believe he will become known here. And that is a Quite Remarkable report, from a purely biological point of view, of the human new-born baby. A new-born baby, and what this means compared to the babies of the other species. Unfortunately, I have forgotten all the details. But the strange thing is that one would expect, on the basis of any evolutionary scheme or on the basis of a scheme of simple anatomics kinship, an entirely different human baby. I am really very sorry I have forgotten all the details. But it is a very impressive argument. And he comes up eventually with this suggestion--that the human baby is born much earlier than from a purely physiological point of view it should be born. And the reason is, an absolutely Aristotelian argument, the social nature of man. Man must spend a part of his pre-natal life, so to speak, outside of the mother's womb to acquire the element of sociality. And that is . . . if you would read it, you would see that it is in no way a fantastic speculation. It is a very serious book. That is . . . inaudible . . . which I found very interesting study about the origin, the first stages of the human being. Perhaps the practically most important things can be known about man without that, if we disregard polemical . . . inaudible . . . That may be true. But the problem is not irrelevant. Just as the question of the origin of the human race is not an irrelevant question. As you know, one has to . . . Whether one has an answer to this question is one thing, but another thing is simply to say, simply to dismiss it. That is illegitimate. To say I can't study that because something else interests me more, and if I want to do that properly I don't have the time, that is perfectly excusable. But one must not identify the limits of one's working capacity with the limits of the theoretical life. Otherwise one becomes really a specialist, which we all should try to avoid.

Well this is the end of this class. There will be no examination. I hope you have a nice summer.

(End of lecture and course.)